

Decision No. 87517 June 28, 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of MALCOLM A. AZIZ and DONALD R.)
BIGGERS D.B.A. DEL NORTE TOURS,)
A CO-PARTNERSHIP, For a Certifi-)
cate of Public Convenience and)
Necessity to operate passenger)
service between Crescent City)
and various points of interest)
in Del Norte County.)

Application No. 57067
(Filed February 11, 1977)

O P I N I O N

Malcolm A. Aziz and Donald R. Biggers, doing business as Del Norte Tours, have applied for authority to operate as a Passenger Stage Corporation for the transportation of passengers on lectured sightseeing tours in the vicinity of Crescent City, Del Norte County.

Applicants allege that there are no tour bus services of any kind in Del Norte County and there is a need for such services in the area. The City of Crescent City and the Del Norte County Chamber of Commerce have voiced the need for such tour bus service.

A copy of the application was served on Greyhound Lines, Inc. The filing of the application was included in the Commission's Daily Calendar on February 14, 1977. The Transportation staff recommended that the application be granted ex parte if no protests are received. No protests have been received. A public hearing is not necessary.

The partners show in the application their individual financial statements. These show combined assets of \$162,000 and combined liabilities of \$26,000 for a combined net worth of approximately \$136,000.

At the staff's request, applicants submitted an estimated income statement for the proposed operation for the three months per year that they are planning to conduct the tour, which will be

marked as Exhibit H. This statement indicates estimated revenues of \$9,000 and expenses of \$3,840, with no provision for the owner-driver wages, resulting in a net operating income of \$5,160.

The Commission finds that:

1. Applicants are ready, willing and able to provide passenger stage service on an "on call" basis on the three routes described in the application.

2. Applicants possess the equipment, personnel and financial resources to institute and maintain the proposed service.

3. Public convenience and necessity require that the application be granted.

4. It can be seen with certainty that there is no possibility that the project involved in this proceeding may have a significant effect on the environment.

The Commission concludes that the application should be granted as provided in the following order.

Applicants are placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Malcolm A. Aziz and Donald R. Biggers, doing business as Del Norte Tours, authorizing them to operate as a Passenger Stage Corporation, as defined in Section 226 of the Public Utilities Code, over the routes set forth in Appendix A of this decision.

2. In providing service pursuant to the authority granted by this order, applicants shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicants shall file a written acceptance of the certificate granted. Applicants are placed on notice that if they accept the certificate they will be required, among other things, to comply with the safety rules administered by the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-Series and the insurance requirements of the Commission's General Order No. 101-Series.
- (b) Within one hundred twenty days after the effective day of this order, applicants shall establish the authorized service and file tariffs and timetables, in triplicate, in the Commission's office.
- (c) The tariff and timetable filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and to the public, and the effective date of the tariff and timetable filings shall be concurrent with the establishment of the authorized service.
- (d) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79-Series and 98-Series.

- (c) Applicants shall maintain their accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

Since there are no protests to the proposed service and the tourist season in Del Norte County will be commencing soon, the effective date of this order is the date hereof.

Dated at San Francisco, California, this 28th day of JUNE, 1977.

Robert Bateman

President

William Synoux

Yvonne L. Sturgeon

Richard D. Howell

Commissioners

RED/cab

Appendix A

Malcolm A. Aziz and Original Page 1
Donald R. Biggers,
dba DEL NORTE TOURS

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
NO. 1016
TO OPERATE AS
A PASSENGER STAGE OPERATION

Showing passenger stage operative rights, restrictions, limitations,
exceptions, and privileges applicable thereto.

All changes and amendments as authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

Issued under authority of Decision No. 87517
dated JUN 28 1977 of the Public Utilities Commission
of the State of California, in Application No. 57067.

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Issued by California Public Utilities Commission.

Decision No. 87517, Application No. 57067.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS
AND SPECIFICATIONS.

Malcolm A. Aziz and Donald R. Biggers, doing business as Del Norte Tours, by the Certificate of Public Convenience and Necessity granted in the decision noted in the margin, are authorized as a passenger stage corporation to transport passengers on an on-call basis on sightseeing tours originating in Crescent City, over and along the routes hereinafter described, subject, however, to the authority of this Commission to change or modify said routes at any time and subject to the following provisions:

- (a) The term "on-call" as used herein refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions under which each authorized "on-call" service will be rendered.
- (b) All service herein authorized shall be limited to the transportation of round-trip passengers only.
- (c) Applicant shall not pick up or discharge passengers except within the limits of Crescent City. This restriction shall not prevent stopovers for the purpose of permitting sightseeing passengers to visit various points of interest along the route.

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SECTION 2 ROUTE DESCRIPTIONS.

Route No. 1: Crescent City and Jedediah Smith Park Tour.

Commencing at the Crescent City Cultural and Convention Center at Front Street and J Street in Crescent City; thence via Front Street, U.S. Highway 101 and Citizens Dock Road to the Harbor Area; thence via appropriate city streets, U.S. Highway 101, Sand Mine Road, Humboldt Road; Howland Hill Road to Jedediah Smith State Park; thence via Howland Hill Road, State Highway 199, U.S. Highway 101, Washington Boulevard, Point St. George; thence via Radio Road, Pebble Beach Drive, Fifth Street, and appropriate city streets to the point of beginning.

Route No. 2: Smith River Tour.

Commencing at the Crescent City Cultural and Convention Center at Front Street and J Street in Crescent City; thence via Front Street, U.S. Highway 101, Fred Haight Drive, First Street and Sarina Road to Dahstrom and Watt Greenhouses. Thence via Sarina Road, U.S. Highway 101 and Mouth Of The River Road to the mouth of the Smith River. Thence via U.S. Highway 101 and Front Street to the point of beginning.

Route No. 3: Klamath Tour.

Commencing at the Crescent City Cultural and Convention Center at Front Street and J Street in Crescent City; thence via Front Street, U.S. Highway 101 and Requa Road to Radar Station; thence via Requa Road, U.S. Highway 101 and Klamath Beach Road to the mouth of the Klamath River; thence via Klamath Beach Road, U.S. Highway 101 and Front Street to the point of beginning.

(END OF APPENDIX A)

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