

Decision No. 87984 OCT 12 1977**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE GRAY LINE)	
TOURS COMPANY for a Certificate)	Application No. 57473
of Public Convenience and)	(Filed July 25, 1977;
Necessity to extend operations)	Amended September 16, 1977)
as a passenger-stage corporation)	

O P I N I O N

By this application, The Gray Line Tours Company (hereinafter referred to as Gray Line) requests authority to extend its operations to transport passengers in a sightseeing service between and within the Cities of San Diego and Coronado.

By Decision 84749, as amended, Gray Line presently holds authority from this Commission to conduct operations as a passenger stage corporation to provide sightseeing, race tracks and special events service between certain points in Southern California including sightseeing service between and within the Cities of San Diego and Coronado as specifically set forth under Items 705 and 725 in Appendix "A" of said Decision.

Gray Line seeks to extend its authority as it alleges that its present authority is rigid and does not allow any flexibility to meet the varying demands of its passengers. The authority under Items 705 and 725 restricts Gray Line to certain named streets and points of interest within the Cities of San Diego and Coronado. Under its proposed authority, Gray Line alleges that it will have the flexibility to meet the needs as it is the only carrier providing sightseeing service within and between the Cities of San Diego and Coronado. Gray Line proposes to provide service to points of interest within the Cities of San Diego and Coronado, such as San Diego Bay, San Diego Zoo, Sea World, Wild Animal Park, La Jolla, "Old Town", Cabrillo Monument and Del Coronado Hotel. Gray Line will also provide an optional San Diego Harbor Tour.

Gray Line filed an amendment to its application on September 16, 1977 that requests cancellation of its present authority under Items 705

and 725 in Appendix A of Decision 84749, as amended, upon the issuance of a certificate for the proposed service, as it may otherwise result in duplication of authority.

The application was listed on the Commission's Daily Calendar on July 28, 1977. The Commission's Transportation Division staff has reviewed the application and recommends that in the absence of protest or request for public hearing it be granted by ex parte order. No protests have been received.

After consideration, the Commission finds that a Certificate of Public Convenience and Necessity to operate as a passenger stage corporation should be granted to the applicant to the extent set forth in the ensuing order. It can be seen with certainty that there is no possibility that the passenger bus operation involved in this proceeding may have a significant effect on the environment.

Applicant is 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 granting 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 The Gray Line Tours Company, a corporation, authorizing it to extend operations as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between and within the Cities of San Diego and Coronado.

2. Appendix A of Decision 84749, as heretofore amended, is further amended by incorporating Third Revised Page 6, attached hereto, in revision of Second Revised Page 6, and First Revised Pages 24, 25 and 26, attached hereto, in revision of Original Pages 24, 25 and 26, respectively.

3. In providing service pursuant to the authority granted by this order, applicant 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, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it 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 98-Series, and the insurance requirements of the Commission's General Order 101-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicant 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 five days after the effective date of this order on not less than five days' notice to the Commission and 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 79-Series and 98-Series.
- (e) Applicant shall maintain its 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, from time to time, shall prescribe.

The effective date of this order shall be twenty days after the date hereof.

Date at San Francisco, California, this 12th day of OCTOBER, 1977.

Robert B. ...
President
William ...
Vernon L. ...
Richard P. ...
Clair J. ...
Commissioners

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Issued by California Public Utilities Commission.

*Amended and added by Decision 87384, Application 57473.

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SECTION V, Tours from San Diego, Coronado
and Palm Springs.

700

The specific tour authorizations as designated herein shall be operated for passengers picked up in the Nonexclusive Pickup Territories as set forth in Section IV of this certificate as indicated. The Nonexclusive Pickup Territories in Items 605 and 615 apply to the tours in Items 705, 710, 720, 725, and 730. The Nonexclusive Pickup Territory in Item 610 applies to the tours in Items 735, 740, and 745.

*705

Deleted

710

S-2

San Diego-Coronado-Tijuana: Beginning in the City of San Diego, thence via the most appropriate and scenic routes to the U.S.-Mexico international boundary at or near San Ysidro, allowing a stopover in Mexico, and return, traversing points of interest en route, including Coronado.

Issued by California Public Utilities Commission.

*Amended by Decision No. 87984, Application No. 57473.

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Appendix A
(Dec. 84749)

THE GRAY LINE TOURS COMPANY
(a corporation)

First Revised Page 25
Cancels
Original Page 25

Item Tour
No. No.

SECTION V, Tours from San Diego, Coronado
and Palm Springs--Contd.

720 S-3 San Diego-Palomar Observatory: Beginning in the City
of San Diego, thence via the most appropriate and scenic
route to the Palomar Observatory, and return.

*725 Deleted

Issued by California Public Utilities Commission.

*Amended by Decision No. 87984, Application No. 57473.

<u>Item</u>	<u>Tour</u>
<u>No.</u>	<u>No.</u>

SECTION V, Tours from San Diego, Coronado
and Palm Springs--Contd.

- 730 S-5 San Diego and Coronado-Los Angeles: Leaving the Cities of San Diego and Coronado via the San Diego Freeway (U.S. Interstate Highway No. 5) to Capistrano Beach, thence via the most appropriate and scenic routes to the City of Los Angeles, and return, visiting points of interest such as Knott's Berry Farm and Disneyland.
- NOTE: Passengers so desiring may be given the option to debark at Knott's Berry Farm or Disneyland without completion of the outbound tour to Los Angeles and be picked up on return of said tour or by other available vehicles.
- *731 S-6 San Diego City Tour: This tour covers, by way of example, points of interest within the Cities of San Diego and Coronado, such as San Diego Bay, the Cabrillo Monument, La Jolla, "Old Town", the San Diego Zoo, Sea World, Wild Animal Park, and Del Coronado Hotel.
- NOTE: An optional San Diego Harbor tour may be provided.
- 735 P-1 Palm Springs-Indio-La Quinta: Beginning at Palm Springs, thence southerly along Palm Canyon Drive and State Route 111 to Indian Wells and Point Happy, thence detouring off State Route 111 to La Quinta returning to State Route 111, thence easterly to Indio, thence returning to Palm Springs over the same route with or without detour to La Quinta. Diversions may be made from this route visiting various points of interest nearby.
- 740 P-2 Palm Springs-Palm Canyon: Beginning at Palm Springs, thence southerly over Palm Canyon Boulevard and country roads to Palm Canyon returning to Palm Springs over the same route with diversions to nearby points of interest including Smoke Tree and Deep Well Guest Ranches.

Issued by California Public Utilities Commission.

*Added by Decision No. 87984, Application No. 57473.