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ORIGINAL

Decision No. 88884 MAY 31 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of DONALD MICHAEL )  
SCOTT dba DON SCOTT TOUR CO., and )  
SCOTT TOURS, INC., a corporation, )  
for a Class "A" certificate to )  
operate as a charter-party )  
carrier of passengers, Laguna )  
Hills. (TCP-170-A) )

Application No. 57696  
(Filed November 21, 1977)

O P I N I O N

On November 21, 1977 Donald Michael Scott, doing business both as Don Scott Tour Company and as Scott Tours, filed an application with the Commission requesting renewal of his Class "A" charter-party carrier of passengers certificate (TCP-170-A) pursuant to Section 5371.1 of the Public Utilities Code.

On November 22, 1977 and December 19, 1977, respectively, Airport Service, Inc., a California corporation, and Jean D. Brown, doing business as Goodtime to Travel, protested granting of the renewed certificate on the grounds that applicant was operating essentially as a passenger stage corporation in violation of Sections 226 and 1031 of the Public Utilities Code and in excess of his existing certificate as a charter-party carrier of passengers under TCP-170-A.

A public hearing on the matter had been set. However, both protestants met with applicant and were convinced that his operations are no longer questionable and subsequently withdrew their objection to this renewal.

Findings

1. Applicant's primary business is that of a travel agent who offers travel assistance to the general public by arranging to provide passenger tickets and services for all means of travel and to reserve living accommodations in connection therewith.

2. The public transportation service presently being provided by applicant is within the scope of his existing charter-party carrier of passengers certificate (TCP-170-A) authority pursuant to Section 5371.1 of the Public Utilities Code.

3. The applicant is otherwise qualified and having agreed to the conditions described in Ordering Paragraph 2 below, it is expected that applicant will not continue the transportation venture which prompted the protests. The Commission staff supports the applicant's request for renewal of his Class "A" charter party-carrier of passengers certificate (TCP-170-A).

O R D E R

IT IS ORDERED that:

1. A renewed Class "A" charter-party carrier of passengers certificate (TCP-170-A) be granted to Donald Michael Scott, doing business both as Don Scott Tour Company and as Scott Tours, authorizing continued operations as a charter-party carrier of passengers pursuant to Section 5371.1 of the Public Utilities Code.

2. In providing service consonant with the certificate herein granted, applicant shall comply with the following and failure to do so may result in suspension or revocation of the operating authority granted by this decision. Applicant shall

refrain from providing or advertising any offer to provide a public transportation service in the nature of a passenger stage corporation as defined under the provisions of Sections 226 and 1035 of the Public Utilities Code.

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

Dated at San Francisco, California, this 31st day of MAY, 1978.

Robert Bateman  
 President

William J. Quinn  
 Vice President

Charles P. Howell  
 Commissioner

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.