

Decision No. 89269 AUG 22 1978**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Michael A. Kadletz, dba Goodtime Tours & Co., for a certificate of public convenience and necessity to extend existing service pick-up area and to offer two variations of existing sightseeing tour authority between points in Orange County on one hand and Palm Springs, Ca., on the other hand.

Application No. 57697
(Filed November 18, 1977;
amended April 5, 1978)

O P I N I O N

By his application, as amended, Michael A. Kadletz, doing business as Goodtime Tours & Co., and presently providing a certificated one-day sightseeing service between Buena Park, Anaheim, Santa Ana, on the one hand, and Palm Springs, on the other hand, requests authority to extend service by providing two- and three-day tours between the same points.

A protest filed by Skyview Limousine Service, Inc. was withdrawn when the application was amended by excluding therefrom any authority to operate between the Los Angeles and Palm Springs areas.

The overnight tours will provide more time to see the sights of the greater Palm Springs area. The proposed fares for the two-day tours is \$73 for adults and \$63 for children and for the three-day tours \$99 for adults and \$84 for children.

Applicant presently owns and operates two 41-passenger General Motor Coaches, each of which is equipped with a restroom, air conditioning, reclining seats, stereo, and C. B. radio. For groups of less than 16, applicant has a late model Ford passenger van, which could be used if necessary. Additional equipment would be made available if required.

Applicant estimates that his annual income from the two-day tour would exceed his estimated annual cost of operations by \$19,776 and estimates that the annual income from the three-day tour would exceed expenses by \$14,208.

Applicant alleges that he has received numerous requests for the proposed tours and that the proposed tours will help to reduce the number of private vehicles operating between Orange County and Palm Springs.

After consideration the Commission finds that public convenience and necessity require the granting of the application. A public hearing is not necessary.

It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

The application will be granted by restating applicant's authority in the form of a new certificate.

Michael A. Kadletz, doing business as Goodtime Tours & Co., 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 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 Michael A. Kadletz, authorizing him to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes set forth in Appendix A of this decision.

2. 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 he accepts the certificate he 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 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 ten days after the effective date of this order on not less than ten 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 Nos. 79-Series and 98-Series.
- (e) Applicant shall maintain his 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 his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 88064, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

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

Dated at San Francisco, California, this 22nd day of AUGUST, 1978.

Robert Bateman
President
William J. Quinn
Vernon L. Stinson

Commissioners

Commissioner Richard D. Gravello, being necessarily absent, did not participate in the disposition of this proceeding.

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

MICHAEL A. KADLETZ
Doing Business As
GOODTIME TOURS & CO.

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
PSC - 995
TO OPERATE AS
A PASSENGER STAGE CORPORATION

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. 89269
dated AUG 22 1978, of the Public Utilities Commission of the
State of California, in Application No. 57697.

Section 1. General Authorizations, Restrictions, and Specifications.

Michael A. Kadletz, doing business as Goodtime Tours & Co., is authorized as a passenger stage corporation to transport passengers over the routes hereinafter described subject to the authority of this Commission to change or modify said routes at any time and subject to the following provisions:

- (a) All service herein authorized shall be limited to the transportation of round-trip sightseeing passengers only.
- (b) All trips will begin and terminate (Route 1) in Buena Park, Anaheim, or Santa Ana, or (Route 2) within the on-call service territory described in Route 2.
- (c) Applicant shall not pick up or discharge passengers except within the limits described in each service route as hereinafter set forth. This restriction shall not prevent stopovers for the purpose of permitting sightseeing passengers to visit various points of interest along the route.
- (d) 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.
- (e) There shall be no transportation of baggage except that which is incidental to a trip by sightseeing passengers.
- (f) Service shall be operated daily with no fewer than 10 passengers except at the operator's discretion.

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- (g) Advance reservations are required and will be accepted up to 30 minutes before departure time.
- (h) Any tour stop may be eliminated or substituted at the request of tour group or if any of the tour sights are closed.
- (i) The tour may be canceled due to poor weather conditions.
- (j) Sightseeing Routes 1 and 2 will not be operated in conjunction with each other.

Section 2. Route Description.

Route 1. SIGHTSEEING SERVICE: BUENA PARK, ANAHEIM,
SANTA ANA/PALM SPRINGS. (Route Concluded by
Option 1.1, 1.2, or 1.3)

Commencing and picking up passengers at the Convention Center Hotel at 7675 Crescent Avenue in Buena Park; thence easterly on Crescent to Beach and northerly on Beach to Holiday Inn at 7000 Beach Boulevard in Buena Park where passengers are to be picked up; thence easterly on State Route 91 to Interstate Route 5, southerly on Interstate 5 to Ball Road in Anaheim, westerly on Ball Road to Sheraton-Anaheim Hotel at 1015 Ball Road where passengers are to be picked up, westerly on Ball to West Street, southerly on West Street to Disneyland Hotel at 1150 W. Cerritos Avenue in Anaheim where passengers are to be picked up; thence southerly on West Street to Convention Way, east on Convention Way to the Quality Inn at 616 W. Convention Way in Anaheim where passengers are to be picked up; thence northerly on Harbor to Hyatt Hotel at 1700 S. Harbor Boulevard in Anaheim where passengers are to be picked up; thence northerly on Harbor Boulevard for passenger pickup at Howard Johnson's Motor Lodge at 1380 S. Harbor Boulevard; thence southeasterly on Interstate 5 to First Street in Santa Ana; westerly on First Street to Saddleback Inn at 1660 E. First Street in Santa Ana where passengers are to be picked up; thence easterly on First Street to Interstate 5, southeasterly on Interstate 5 to State Route 55, northerly on State Route 55 to State Route 91, easterly on State Route 91 to State Route 60, easterly on State Route 60 to Apache Trail off ramp to Hadley's Fruit Market in Cabazon for a 45 minute refreshment stop; thence easterly on State Route 60 to State Route 111, southerly on State Route 111 (eventually becoming Palm Canyon Drive) into the City of Palm Springs; thence westerly on Tahquitz-McCallum Way to Palm Springs Desert Museum, where passengers disembark for a two-hour narrated walking tour of the museum and the central shopping district of Palm Springs.

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Route 1, Options

1.1: One-Day Tour

Following Route 1, thence along the most convenient and appropriate streets for a sixty-minute tour of the greater Palm Springs area, enabling passengers to view such sights as Angel Stadium (baseball training grounds), Agua Caliente Indian Reservations, and Moorten Botanical Gardens. Upon completing this tour, thence northerly on State Route 111 to Tramway Drive, westerly on Tramway Drive to Palm Springs Aerial Tramway, where passengers debark for a tram ride to and from the top. Thence northerly on Palm Canyon Drive to State Route 60, westerly on State Route 60 to State Route 91, westerly on State Route 91 to State Route 55, southerly on State Route 55 to Interstate Route 5, northwesterly on Interstate Route 5 to First Street in Santa Ana to Saddleback Inn, thus commencing the reversal of the hotel pickups.

Route 1, Options

1.2: Two-Day Tour

Following Route 1, thence along the most convenient and appropriate streets to a hotel within the city limits of Palm Springs for passenger check in, thence to an area restaurant for dinner, thence back to the hotel for the night.

On the second day, along the most convenient and appropriate streets for a five-hour tour of the greater Palm Springs area, enabling passengers to view such sights as Angel Stadium (baseball training grounds), Agua Caliente Indian Reservation, Moorten Botanical Gardens, Mission Hills Country Club, Indio Date Festival (when in operation), and special events in progress (e.g., Bob Hope Desert Classic, American Airlines Tennis games). Upon completing this area tour, thence northerly on State Route 111 to Tramway Drive, westerly on Tramway Drive to

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Palm Springs Aerial Tramway, where passengers debark for a tram ride to and from the top. Thence northerly on Palm Canyon Drive to State Route 60, westerly on State Route 60 to State Route 91, westerly on State Route 91 to State Route 55, southerly on State Route 55 to Interstate Route 5, northwesterly on Interstate Route 5 to First Street in Santa Ana to Saddleback Inn, thus commencing the reversal of the hotel pickups.

Route 1, Options

1.3: Three-Day Tour

Following Route 1, thence along the most convenient and appropriate streets to a hotel within the city limits of Palm Springs for passenger check in, thence to an area restaurant for dinner, thence back to the hotel for the night.

The next morning, along the most convenient and appropriate streets for a five-hour tour of the greater Palm Springs area, enabling passengers to view such sights as Angel Stadium (baseball training grounds), Agua Caliente Indian Reservation, Moorten Botanical Gardens, Mission Hills Country Club, Indio Date Festival (when in operation), and special events in progress (e.g., Bob Hope Desert Classic, American Airlines Tennis games); thence, back to the hotel, where guests are free for the afternoon and night.

On the third morning, along the most convenient and direct route to local facilities for golf, horseback riding, tennis matches, shopping, or swimming, following which, along local streets to Palm Canyon Drive. Thence northerly on Palm Canyon Drive to State Route 60, westerly on State Route 60 to State Route 91, westerly on State Route 91 to State Route 55, southerly on State Route 55 to Interstate Route 5, northwesterly on Interstate Route 5 to First Street in Santa Ana to Saddleback Inn, thus commencing the reversal of the hotel pickups.

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Route 2 SIGHTSEEING SERVICE: On-Call

From points in the on-call service territory bordered on the north by State Highway 91, on the south by State Highway 1 (Pacific Coast Highway), on the west by State Highway 39 (Beach Boulevard), and on the east by State Highway 55, Interstate Route 5, and State Highway 133; thence by the most direct route to Hadley's Fruit Market in Cabazon for a 45-minute rest stop, thence by Route 1, above, to Palm Springs and return to the points of origin, following one-, two-, or three-day tour options.

(END OF APPENDIX A)

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