

Decision No. 89277

AUG 22 1978

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of )  
 Richard A. Pence and Larry L. Vasquez )  
 For certificate of public convenience )  
 and necessity to operate a passenger )  
 tour service between St. Helena and )  
 various wineries and points of interest )  
 in the Napa Valley. )

Application No. 58008  
 (Filed April 18, 1978)

O P I N I O N

By this application, Richard A. Pence and Larry L. Vasquez, a partnership, dba Victoria Express Tours, seek authority from the Commission for a Certificate of Public Convenience and Necessity to establish a Passenger Stage Corporation for the operation of a tour service between St. Helena and Yountville on the one hand, and the neighboring wineries and points of interest in Napa Valley, on the other hand.

Applicants propose to utilize a British Double Decker Passenger Bus for the tours. The bus will be outfitted with heating and air conditioning. It is totally enclosed, with a seating capacity of 60 passengers. The bus meets all California Highway Patrol requirements for safety and highway travel.

Applicants propose to charge \$7.50 per adult and \$4.50 per child under 12, for a four-hour tour. Service is to be "on-call".

The applicants indicate that no service of this kind is now being offered visitors in the Napa Valley. The tours will help alleviate some of the traffic congestion in the Napa Valley. The application was listed in the Commission's Daily Calendar of April 19, 1978. The Commission's Transportation Division staff has reviewed the application and recommends that in the absence of protests or requests for public hearing, it be granted. 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 applicants to the extent set forth in the ensuing order. 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.

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 granting of such rights. Aside from their purely permissive aspect, such rights extend to the holders 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 Richard A. Pence and Larry L. Vasquez, dba Victoria Express Tours, authorizing them to operate as a Passenger Stage Corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the route 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 and the rules and other regulations of the Commission's General Order 101-Series.
- (b) Within one hundred twenty days after the effective date 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 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) 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 their operations in such form, content and number of copies as the Commission, from time to time, shall prescribe.

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. Gussner  
Vernon L. Sturgeon

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.

TLR

Appendix A

Richard A. Pence and Larry L. Vasquez  
DBA  
VICTORIA EXPRESS TOURS

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION

PSC-1045

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

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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. 89277  
dated AUG 22 1978, 1978 of the Public Utilities  
Commission of the State of California, in Application No. 58008.

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

Richard A. Pence and Larry L. Vasquez, a partnership, dba Victoria Express, by the Certificate of Public Convenience and Necessity granted by the decision in the margin, are authorized to transport passengers and their baggage between St. Helena and Yountville on the one hand, and various wineries and points of interest in Napa County, on the other hand, 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) All tours shall commence and terminate in St. Helena or Yountville.
- (b) 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.
- (c) All sightseeing tours shall be for the complete trip as hereinafter described.

## SECTION 2: ROUTE DESCRIPTION

## ROUTE 1.

Commencing in St. Helena, then south on State Route 29 (SR 29) to Yountville with optional stops at Louis Martini Winery, Sutter Home Winery, V. Sattvi Winery, Vintage 1870 Shopping Center, north from Yountville on SR 29 to SR 128, east on SR 128 to Silverado Trail, north on Silverado Trail to SR 29, south on SR 29 to Calistoga with optional stops at Olive Oil Manufacturing, Hanns Kornell Winery, Cuvaision Winery, Sterling Vineyard, Calistoga Steam Railroad, Calistoga Train Depot, south from Calistoga on SR 29 to St. Helena, with optional stops at Napa State Park, Old Bale Mill, Freemark Abby Winery, Charles Krug Winery, Christian Brothers Winery and Beringer Winery.