

Decision No. 89549

OCT 17 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
C T & E Travel Corporation (dba
California Tour and Expedition Company)
for transfer of Certificate of Public
Convenience and Necessity PSC - 1040
from Ruth D. Margolies and P.S.P.A.
Corporation to applicant successor
corporation.

}
} Application No. 58188
} (Filed June 29, 1978)
}
}

O P I N I O N

By Decision No. 88955, dated June 13, 1978, Ruth D. Margolies and P.S.P.A. Corporation were issued a Certificate of Public Convenience and Necessity (PSC-1040) to operate a passenger stage tour service along four routes originating at certain Alameda County hotels and travelling to (1) San Francisco, (2) Muir Woods and Sausalito, (3) "The Wine Country" (wineries in Sonoma and Napa Counties), and (4) Monterey/Carmel.

By this application, authority is sought to transfer the above-mentioned passenger stage certificate from Ruth D. Margolies and P.S.P.A. Corporation to CT&E Travel Corporation, (a California Corporation), doing business as California Tour and Expedition Company. The stockholders of the transferee corporation are Ruth Margolies, her husband Lester Margolies, Clifford Orloff and Judith Orloff. Mr. and Mrs. Orloff are the sole shareholders of P.S.P.A. Corporation. According to the application, the transferor partnership never commenced operations, it being the intent that the transferee corporation be formed and that the certificate be transferred to it to operate. Given these circumstances, the parties have agreed to the transfer of the certificate with no payment of consideration between them. A copy of applicant's Articles of Incorporation is appended to the application.

CT&E Travel Corporation's balance sheet is attached to the application as Exhibit A. It shows assets (all cash) of \$10,000 and liabilities of \$10,000 consisting entirely of stockholders' equity.

The application was listed on the Commission's Daily Calendar of June 30, 1978. 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 protest or request for hearing has been received. A public hearing is not necessary.

F I N D I N G S

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. We further find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate issued by Decision 88955 to Ruth D. Margolies and P.S.P.A. Corporation, and the issuance of a certificate in appendix form to CT&E Travel Corporation.

Purchaser 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. On or before December 1, 1978, Ruth D. Margolies and P.S.P.A. Corporation may transfer the operative rights referred to in the application to the purchaser, CT&E Travel Corporation.
2. Within thirty days after the transfer the transferee shall file with the Commission written acceptance of the certificate and a true copy of the instrument of transfer.
3. Transferee shall amend or reissue the tariffs and timetables on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that it has adopted or established, as its own, the rates and rules of transferor. The tariff and timetable filings shall be made effective not earlier than five days after the effective date of this order or 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 transfer. The tariff and timetable filings made pursuant to this order shall comply in all respects 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. Failure to comply with the provisions of General Orders Nos. 79-Series and 98-Series may result in a cancellation of the operating authority granted by this decision.
4. In the event the transfer authorized in Paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by Paragraph 3, a Certificate of Public Convenience and Necessity is granted to CT&E Travel Corporation authorizing it 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 (PSC-1040), attached hereto and made a part hereof.

5. The Certificate of Public Convenience and Necessity granted to Ruth D. Margolies and P.S.P.A. Corporation by Decision 88955 is revoked, effective concurrently with the effective date of the tariff filings required by Paragraph 3.

6. Transferee shall comply with the safety rules of the California Highway Patrol, the rules and regulations of the Commission's General Order No. 98-Series, and insurance requirements of the Commission's General Order No. 101-Series.

7. Transferee 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 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.

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

Dated at San Francisco, California, this 17th
day of OCTOBER, 1978.

President
William S. ...

Verizon L. ...

Richard P. ...

Clair T. ...
Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.

Appendix A

C T & E
Travel Corporation
doing business as
CALIFORNIA TOUR AND EXPEDITION COMPANY

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC - 1040

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

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

Issued under authority of Decision No. 89549,
dated OCT 17 1978 of the Public Utilities
Commission of the State of California, in Application No. 58188.

C T & E
Travel Corporation
doing business as
CALIFORNIA TOUR AND EXPEDITION COMPANY

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

C T & E Travel Corporation, doing business as California Tour and Expedition Company, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized as a passenger stage corporation to transport passengers for sightseeing purposes, between specified hotels and motels as stated herein, located in the Cities of Oakland, Berkeley and Emeryville, on the one hand, and points of interest and places in the Counties of San Francisco, Marin, Sonoma, Napa and Monterey, 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:

1. All sightseeing service herein authorized shall be limited to the transportation of round-trip passengers only, originating and terminating at specific hotel and motel locations in Alameda County.
2. Sightseeing service shall be operated on a scheduled basis but applicant will not be obligated to render service for less than six passengers.
3. Applicant shall not operate vehicles with a seating capacity of more than 14 passengers in providing the service.
4. Other than the transportation of personal baggage accompanying a passenger, no additional transportation service, including the transportation of express matter, shall be performed.
5. No passengers shall be transported except those having point of origin and destination at one of the following points:
 - (1) Airport Hilton Inn, London Lodge and Claremont Hotel, Oakland
 - (2) Durant Hotel and Marriott Inn, Berkeley
 - (3) Holiday Inn - Bay Bridge, Emeryville

This restriction shall not prevent stopovers for the purpose of permitting sightseeing passengers to visit various points of interest along the route as noted herein.

Issued by California Public Utilities Commission.

By Decision No. 89549, Application No. 58188.

SECTION 2. TOUR DESCRIPTIONS

Tour No. 1 - SAN FRANCISCO TOUR

Commencing from the specific hotels and motels named herein within the Cities of Oakland, Berkeley and Emeryville, thence via Highway 17 or 80, Oakland-San Francisco Bay Bridge to San Francisco then via the most appropriate route to view points of interest and places that include Mission Dolores, Twin Peaks, Golden Gate Park, Presidio, Golden Gate Bridge, Marina, Ghirardelli Square, The Cannery, Fisherman's Wharf, "Crookedest Street", Chinatown, Hyatt Regency Hotel and thence via the San Francisco-Oakland Bay Bridge to the original point or points of embarkation.

Tour No. 2 - MUIR WOODS and SAUSALITO

Commencing from the specific hotels and motels named herein within the Cities of Oakland, Berkeley and Emeryville, thence via Highway 17 or 80, over the Oakland-San Francisco Bay Bridge, San Francisco, Golden Gate Bridge to Marin County, continue to Muir Woods. Sausalito, Highway 101, San Rafael-Richmond Bridge, Highway 17 and returning to the original point or points of embarkation.

Tour No. 3 - WINE COUNTRY

Commencing from the specific hotels and motels named herein, within the Cities of Oakland, Berkeley and Emeryville, thence over Highway 17 or 80, Oakland-San Francisco Bay Bridge, San Francisco, Golden Gate Bridge, Highways 101, 37 and 121, to the wineries in Sonoma and Napa Counties and return to original point or points of embarkation via Highways 29, 80 and 17.

Tour No. 4 - MONTEREY and CARMEL -by-the-Sea

Commencing from the specific hotels and motels named herein, within the Cities of Oakland, Berkeley, and Emeryville, thence over Highways 17 or 80, 101, 17 to Santa Cruz, continue on Highway 1 to Monterey and Carmel and return via Highways 68, 101 and 17 to original point or points of embarkation.

THE END

Issued by California Public Utilities Commission.

By Decision No. 89549, Application No. 58188.