

ORIGINAL

Decision No. 90270 MAY 8 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of J. MARK LAVELLE, dba DOLPHIN TOURS, for a certificate of public convenience and necessity for passenger sightseeing service in San Francisco, Marin, San Mateo, Alameda, Santa Cruz, Sonoma, and Napa Counties from Berkeley, Alameda County.

Application No. 58261
(Filed July 27, 1978;
amended January 9, 1979)

O P I N I O N

By his application, as amended, J. Mark Lavelle (applicant), doing business as Dolphin Tours, requests authority to operate ten sightseeing tours as a passenger stage corporation from the University of California campus at Berkeley to points of interest in San Francisco, San Mateo County, Marin County, Alameda County, Monterey, Carmel, and Yosemite National Park. The proposed tours would be narrated in the Japanese language only.

Applicant proposes to conduct the following tours for five or more passengers.

<u>Tour</u>	<u>Proposed Fare</u>
1. Marine World Africa USA/Marriott's Great America	\$40
2. San Francisco By Day	\$15
3. Muir Woods-Sausalito	\$15
4. San Francisco, Muir Woods, Sausalito "Grand Tour"	\$30
5. San Francisco By Night	\$25
6. Mystery Spot, Roaring Camp, & Monterey-Carmel	\$50
7. "West Coast Sound" Music & Youth Culture S.F.	\$35
8. "West Coast Sound" Cow Palace, S.F.	\$35

	<u>Tour</u>	<u>Proposed Fare</u>
9.	"West Coast Sound" Oakland Coliseum	\$35
10.	California Wine Country	\$40

Service would be provided for five or more passengers in equipment leased or chartered from The Gray Line, Inc., California Parlor Car Tours Company, or Mini-Bus Association.

As of June 16, 1978 applicant indicated a net worth in the amount of \$28,909.

Applicant studied at International Christian University and Keio University in Tokyo. He did his graduate work at the Center for Japanese Studies of the University of Michigan and has narrated San Francisco tours in the Japanese language. ✓

According to applicant, there are many Japanese-speaking students in the Berkeley area who would be interested in sightseeing tours described in their own language and at the present time no existing certificated carrier is providing such a service. ✓

Copies of the application were served upon city and county clerks within the proposed area, as well as upon Bay Rapid Transit, California Parlor Car Tours Company, A.C. Cal Spanish Tour Service, Greyhound Lines, Inc., and Yosemite Transportation Company. A protest filed by California Tour & Expedition Co. was withdrawn upon the application being amended by limiting narration of all tours to the Japanese language.

After consideration the Commission finds that public convenience and necessity require the proposed service. 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.

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 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 J. Mark Lavelle, authorizing him to extend his operation as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between Berkeley in Alameda County, on the one hand, and San Francisco, Marin, San Mateo, Alameda, Santa Cruz, Sonoma, and Napa Counties, on the other hand.

2. Appendix A of Decision No. 89731 is amended by incorporating First Revised Pages 1 and 2 and Original Pages 3 and 4 attached hereto.

3. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure to do so 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.

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

Dated at San Francisco, California, this 8th day of MAY, 1979.

John E. Bryson
President

Blaise J. Delgado
James M. Smith
Commissioners

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

Appendix A
(Dec. 89731)

J. Mark Lavelle
d.b.a.
DOLPHIN TOURS

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

J. Mark Lavelle, an individual doing business as Dolphin Tours, by the Certificate of Public Convenience and Necessity to operate as a passenger stage corporation granted by the decision noted in the margin, is authorized to transport passengers for sightseeing and pleasure trips between the City and County of San Francisco, *or the University of California campus at Berkeley, on the one hand, and certain points as named herein, 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 service herein authorized shall be limited to the transportation of round-trip passengers only.
- b. Service may be provided on a scheduled basis as reflected on the timetable filed with the Commission.
- c. All of the tours shall be conducted in the Japanese language only.

Issued by California Public Utilities Commission.

*Amended by Decision No. 90270, Application No. 58261.

Appendix A
(Dec. 89731)

J. Mark Lavelle
d.b.a.
DOLPHIN TOURS

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SECTION II. TOUR DESCRIPTIONS.

Tour No. - Description

- 1 Marine World Africa USA - "Great America"
Commencing from the passengers' hotel in the City of San Francisco, thence over the most scenic and convenient streets and highways to Bayshore Freeway (U.S. 101) to Marine World Africa USA and "Great America" and return.
- 2 San Francisco By Day
Commencing from the passengers' hotel in the City of San Francisco, thence over the most scenic and convenient streets to Japan Center, St. Mary's Cathedral, Twin Peaks, Golden Gate Bridge, Vista Point in Marin County, Palace of Fine Arts, scenic view of Alcatraz Island, Lombard Street, Nob Hill and return.
- 3 Muir Woods - Sausalito
Commencing from the passengers' hotel in the City of San Francisco, thence over the most scenic and convenient streets to Highway 101, across Golden Gate Bridge, Vista Point in Marin County, Muir Woods, Sausalito and return.
- 4 San Francisco - Muir Woods - Sausalito "Grand Tour"
Combination of Tours 2 and 3.
- 5 San Francisco By Night
Commencing from the passengers' hotel in the City, thence over the most scenic and convenient streets to Japan Center for dinner, continue to Twin Peaks, Chinatown, Broadway, across the Bay Bridge to Treasure Island and return.
- 6 *Mystery Spot - Monterey - Carmel
Commencing from the passengers' hotel in the City of San Francisco, thence over the most scenic and convenient streets to south on U.S. 101, Highways 280, 17 with a stop at the Mystery Spot, south on Highway 1 to Monterey, 17-mile drive, Carmel and return.
- 7 *Yosemite National Park (One-Day)
Commencing from the passengers' hotel in the City of San Francisco, thence over the most scenic and convenient streets to Bay Bridge, Highways 580, 50, south to Merced on Highway 99, west on Highway 140 to Yosemite National Park, sightseeing in the Park and dinner and return.

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*Amended by Decision No. 90270, Application No. 58261.

SECTION II. TOUR DESCRIPTIONS. (Continued)

Tour No. - Description

- 8 UC-Marine World Africa USA - "Great America"
Commencing at the University of California, Berkeley Campus, then over the most convenient streets to I-80, west on I-80 to SR-101, south on SR 101 to Marine World Africa USA and "Great America" and return.
- 9 UC-San Francisco By Day
Commencing at the University of California, Berkeley Campus, then over the most convenient streets to I-80, west on I-80 to the City of San Francisco, then over the most scenic and convenient streets to Japan Center, St. Mary's Cathedral, Twin Peaks, Golden Gate Bridge, Vista Point (in Marin County), Palace of Fine Arts, Scenic View of Alcatraz Island, Lombard Street, Nob Hill and return.
- 10 UC-Muir Woods - Sausalito
Commencing at the University of California, Berkeley Campus, then over the most convenient streets to I-80, west on I-80 to SR 101, north on SR 101 to Vista Point, Muir Woods, Sausalito and return.
- 11 UC-San Francisco - Muir Woods - Sausalito - "Grand Tour"
Combination of Tours 9 and 10.
- 12 UC-San Francisco By Night
Commencing at the University of California, Berkeley Campus, then over the most convenient streets to I-80, west on I-80 to the City of San Francisco, then along the most convenient and scenic streets to Japan Center, Twin Peaks, Chinatown, Broadway, east on I-80 to Treasure Island and return.
- 13 UC-Mystery Spot - Roaring Camp - Monterey - Carmel
Commencing at the University of California, Berkeley Campus, thence over the most convenient streets to I-80, west on I-80 to SR 17 south on SR 17, south on SR 1 to Mystery Spot, south on SR 1 to Monterey and Carmel and return.
- 14 UC-"West Coast Sound" Music and Youth Culture
Commencing at the University of California, Berkeley Campus, thence over the most convenient streets to I-80, west on I-80 to the City of San Francisco, thence over the most convenient streets to Great American Music Hall, Old Waldorf or Boarding House concert facilities and return.

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Appendix A
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SECTION II. TOUR DESCRIPTIONS. (Continued)

<u>Tour No.</u>	<u>Description</u>
15	<u>UC-"West Coast Sound" - Cow Palace</u> Commencing at the University of California, Berkeley Campus, thence over the most convenient streets to I-80, west on I-80 to SR 101 in the City of San Francisco, south on 101 to the Bayshore Boulevard exit, thence over the most convenient streets to the Cow Palace and return.
16	<u>UC-"West Coast Sound" - Coliseum</u> Commencing at the University of California, Berkeley Campus, thence over the most convenient streets to I-80, south on I-80 to SR 17, south on SR 17 to the Oakland Coliseum and return.
17	<u>UC-California Wine Country</u> Commencing at the University of California, Berkeley Campus, thence over the most convenient streets to I-80, north on I-80 to SR 29, north on SR 29 to the "Wine Country" in Sonoma and Napa Counties and return.

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