

Decision No. 90272 MAY 8 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Kazuhiro Nakagawa for a certificate of public convenience and necessity to operate a passenger stage corporation to transport sightseeing passengers between certain points in the City of Los Angeles, and certain points in Southern California for Japanese and other Asian persons conducted in their respective native tongues.

Application No. 58173
(Filed June 27, 1978)

Steven G. Teraoka, Attorney at Law,
for applicant.

Knapp, Stevens, Grossman & Marsh,
by Warren N. Grossman, Attorney
at Law, for The Gray Line Tours
Company, protestant.

Baker & McKenzie, by Robert N.
Katayama, Attorney at Law, for
Pacifico Creative Service, Inc.,
interested party.

Thomas J. Clausen, for the Commission
staff.

O P I N I O N

Kazuhiro Nakagawa (Nakagawa) requests a certificate of public convenience and necessity authorizing sightseeing tours in the city of Los Angeles and certain points in southern California. Nakagawa proposes to conduct six sightseeing tours in either the Japanese, Chinese, or Korean language.

The original hearing was set for December 7, 1978 before Administrative Law Judge Charles E. Mattson at Los Angeles.

At the request of counsel for Nakagawa, the matter was continued to January 31, 1979. On January 31, 1979, counsel for Nakagawa amended the requested authority and consequently the protests to the granting of the application were withdrawn. None of the parties requested further hearing and the amended application was taken under submission. By letter dated February 20, 1979, Nakagawa's counsel requested that the sought authority be issued to "Los Angeles Sightseeing Tours, Inc." (LAST, Inc.). He stated that Nakagawa overlooked amending the application to reflect the incorporation. Copies of the letter were mailed to appearances in this proceeding and to Greyhound Lines, Inc. There are no objections to this change. A copy of the articles of incorporation is on file with this Commission.

Findings

1. Nakagawa requests a certificate of public convenience and necessity to conduct sightseeing tours between points in the city of Los Angeles and points in the counties of Los Angeles, Ventura, Orange, and San Diego be issued in the name of Los Angeles Sightseeing Tours, Inc.

2. All round-trip sightseeing and pleasure tours will be narrated in either the Japanese, Chinese, or Korean language.

3. The requested tours, which originate in the city of Los Angeles, are as follows:

<u>Proposed Tours</u>	<u>Fare</u>
<u>No. 1 - City of Los Angeles</u> - Commencing from the city of Los Angeles and thence over the most convenient and scenic streets and highways visiting points of interest such as Olvera Street, Little Tokyo, Hollywood Bowl, Chinese Theater, Farmers Market, Century City, and Marina Del Rey.	\$25
<u>No. 2 - Universal Studios</u> - Commencing from the city of Los Angeles.	\$30
<u>No. 3 - Disneyland</u> - Commencing from the city of Los Angeles to Disneyland.	\$35
<u>No. 4 - Knott's Berry Farm</u> - Commencing from the city of Los Angeles to Knott's Berry Farm.	\$35

<u>Proposed Tours</u>	<u>Fare</u>
<u>No. 5 - Magic Mountain</u> - Commencing from the city of Los Angeles over the most scenic and appropriate streets and highways to Magic Mountain. Said tour shall include, but not be limited to, points of interest such as Dodger Stadium, the Burbank Airport, and Lockheed Corporate Headquarters, and other points of interest.	\$35
<u>No. 6 - San Diego - San Ysidro</u> - Commencing from city of Los Angeles over the most scenic and appropriate streets and highways to San Ysidro. Said tour shall include, but not be limited to, points of interest such as San Clemente, Point Loma, and the San Diego Harbor and other points of interest.	\$60

(Note: In conducting operations under this tour, LAST, Inc. shall not make any common arrangements with any bus or taxi service to or from Tijuana, Mexico, nor shall LAST, Inc. pay for any such bus or taxi service to or from Tijuana. LAST, Inc. may, however, provide tour guide and interpreting services for its passengers going to Tijuana, Mexico.)

4. Nakagawa's net worth as of June 27, 1978 was \$70,000. LAST, Inc. proposes to operate the requested service with three 1978 Dodge 15-passenger maxivans, one 1966 GMC 4107 passenger bus, and two 1968 MC5 passenger buses.

5. Service shall be operated on an on-call basis.

6. Numerous visitors from the Asian countries visiting the southern California region do not have a good speaking knowledge of the English language. These visitors desire narrated tours spoken in the Japanese, Chinese, or Korean language only. This service is not presently available.

7. LAST, Inc. has the necessary financial ability, equipment, and personnel to initiate and maintain the proposed service.

8. The proposed fare schedule is justified at this time.

9. Public convenience and necessity require the granting of a certificate of public convenience and necessity to LAST, Inc. to operate as a passenger stage corporation between the points and over the routes set forth in Appendix A of this decision.

10. 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 Commission concludes that Application No. 58173 should be granted to the extent set forth in Appendix A attached hereto.

LAST, Inc. 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 Los Angeles Sightseeing Tours, Inc. (LAST, Inc.) 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 of this decision.
2. In providing service pursuant to the authority granted by this order, LAST, Inc. 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, LAST, Inc. shall file a written acceptance of the certificate granted. LAST, Inc. is placed on notice that if it accepts the certificate it 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, LAST, Inc. shall establish the authorized service and file tariffs and timetables, in triplicate, in the Commission's office.
- (c) 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.
- (d) 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.
- (e) LAST, Inc. 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 8th day of MAY, 1979.

John E. Bryson
President
Thomas L. Stinson

Richard D. Gravelle
Commissioners

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

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE
AS A PASSENGER STAGE CORPORATION
PSC-1067

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. 90272, dated
MAY 8 1979, of the Public Utilities Commission
of the State of California, in Application No. 58173.

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

Los Angeles Sightseeing Tours, Inc. (LAST, Inc.), by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers for sightseeing and pleasure trips between the City of Los Angeles, 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 shall be operated on an "on-call" basis. 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 timetable shall show the conditions under which each authorized "on-call" service will be rendered.
- (c) All of the tours shall be conducted in the Chinese, Japanese, or Korean languages only.
- (d) No common arrangements shall be made with any bus or taxi service to or from Tijuana, Mexico, and LAST, Inc., shall not pay for any such transportation service.

Issued by California Public Utilities Commission.

Decision No. 90272, Application No. 58173.

SECTION II. TOUR DESCRIPTIONS.

TOUR NO. DESCRIPTIONS

1. CITY AND COUNTY OF LOS ANGELES: Commencing from points within the city limits of Los Angeles, thence over the most convenient and scenic streets and highways stopping at points of interest including Olvera Street, Little Tokyo, Sunset Boulevard, Hollywood Bowl, Mann's Chinese Theatre, Farmers Market, University of California at Los Angeles, Century City, Marineland, Queen Mary at Long Beach, and Marina Del Rey, and passing by other points of interest, and return to points of origin.
2. UNIVERSAL STUDIOS: Commencing from points within the city limits of Los Angeles, thence over the most convenient streets and highways to Universal Studios in Universal City, and return to points of origin.
3. DISNEYLAND: Commencing from points within the city limits of Los Angeles, thence over the most convenient streets and highways to Disneyland in Anaheim, and return to points of origin.
4. KNOTT'S BERRY FARM: Commencing from within the city limits of Los Angeles, thence over the most convenient streets and highways to Knott's Berry Farm in Buena Park, and return to points of origin.
5. MAGIC MOUNTAIN: Commencing from points within the city limits of Los Angeles over the most scenic and appropriate streets and highways to Magic Mountain, in Valencia, and return to points of origin. Said tour shall pass by Dodger Stadium, the Burbank Airport, Lockheed Corporate Headquarters in Burbank, and other points of interest.
6. SAN DIEGO-SAN YSIDRO: Commencing from points within the city limits of Los Angeles over the most scenic and appropriate streets and highways to San Ysidro, and return to points of origin. Said tour shall stop at Point Loma and San Diego Harbor and shall pass by San Clemente and other points of interest. In conducting said tour, Los Angeles Sightseeing Tours, Inc. (LAST, INC.) shall be precluded from making a common arrangement with any bus or taxi service to or from Tijuana, Mexico. LAST, Inc. shall not pay for any such transportation service to Tijuana. LAST, Inc. is not precluded from providing tour guide or interpreting services for its passengers going to Tijuana.

(END OF APPENDIX A)

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