

FS

Decision No. 90390 JUN 5 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of extension of)	
Certificate of Public Convenience)	
and Necessity No. 1039, granted)	
by Decision No. 88900, dated)	
May 31, 1978, in Application)	
No. 57991 to Brent Twoomey and)	
Bradley Twoomey, a co-partner-)	Application No. 58760
ship, operating a sightseeing)	(Filed March 23, 1979)
tour service transporting pass-)	
engers between points in Humboldt)	
County and Redwood National Park)	
in Humboldt and Del Norte counties.))	

O P I N I O N

Brent Twoomey and Bradley Twoomey, a co-partnership, doing business as North Coast Redwoods Tours, operate as a passenger stage corporation (PSC-1039) for the transportation of passengers on two lectured sightseeing tours originating at Trinidad and Orick and visiting points of interest in Humboldt and Del Norte Counties. This operating authority was granted by Decision 88900 dated May 31, 1978 in Application 57991.

By the instant application, applicants request to have the above authority extended to include the Cities of Eureka and Arcata as points of origin.

The filing of the application was included in the Commission's Daily Calendar of March 23, 1979. Applicants allege that there are no tour bus services originating in this portion of Humboldt County.

The partners show in the application their individual financial statements. These show combined assets of \$97,161 and combined liabilities of \$6,600 for a combined net worth of approximately \$90,561. Applicants have a 1978 15-passenger Dodge Van available for use in the service.

The application appeared to indicate that Eureka and Arcata were to be added only to Tour No. 1. The staff inquired of the applicants whether they desired to change to be applicable to only the one tour or to both tours operated by the applicants.

By letter dated May 7, 1979, applicants stated that they desired to include service from Eureka and Arcata to be applicable to both routes.

The Transportation Division staff recommends that the application be granted ex parte if no protests are received. No protests have been received. A public hearing is not necessary.

The Commission finds that:

1. Applicants are ready, willing and able to provide passenger stage service over the routes described in the application.
2. Applicants possess the equipment, personnel and financial resources to institute and maintain the proposed service.
3. Public convenience and necessity require that the application be granted.
4. 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.

The Commission concludes that the application should be granted as provided in the following order.

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 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 the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity (PSC 1039) granted to Brent Twoomey and Bradley Twoomey, doing business as North Coast Redwood Tours, authorizing them to operate as a Passenger Stage Corporation, as defined in Section 226 of the Public Utilities Code, over the routes set forth in Appendix A of Decision 88900 is amended by First Revised Page 1, First Revised Page 2 and First Revised Page 4 as included as Appendix A of this decision.

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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, 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, 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 Nos. 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 its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe. ✓

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Since there are no protests to the proposed service and the tourist season in Humboldt County and Del Norte County will be commencing soon, the effective date of this order is the date hereof.

Dated at San Francisco, California, this 5th day of JUNE, 1979.

John E. Byron
President
Thomas L. Stinson
Charles D. Howell
Clayton J. ...
Stanley ...
Commissioners

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Issued by California Public Utilities Commission.

*Added by Decision No. 90390, Application No. 58760.

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

Brent Twoomey and Bradley Twoomey, doing business as North Coast Redwoods Tours, by the Certificate of Public Convenience and Necessity granted in the decision noted in the margin, are authorized as a passenger stage corporation to transport passengers *on sightseeing tours originating in Eureka, Arcata, Trinidad and Orick, 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 to the following provision:

- (a) All service herein authorized shall be limited to the transportation of round-trip tour passengers only.
- (b) Applicant shall not pick up or discharge passengers except within Eureka, Arcata, Trinidad and Orick. This restriction shall not prevent stopovers for the purpose of permitting sightseeing passengers to visit various points of interest along the route.
- (c) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous with such intersections, in accordance with local traffic regulations.
- (d) Service to/from Eureka and Arcata to rendered "on-call". The tariffs and timetables shall show the conditions under which such "on-call" service will be rendered.

Issued by California Public Utilities Commission.

*Added by Decision No. 90390, Application No. 58760.

SECTION 2. ROUTE DESCRIPTIONS. (continued)

*ALTERNATE SERVICE FOR "ON-CALL" LOCATIONS
(To be used for service originating and terminating
in Eureka or Arcata.)

When reservations are received from Eureka or Arcata via
U.S. Highway 101 (Redwood Highway) and the appropriate city streets
in Eureka or Arcata thence via U.S. Highway 101 to the point of
beginning of the route for Tour No. 1 described above.

ALTERNATE ROUTE FOR TOUR NO. 2

Tour No. 2 may be varied by use of Red Park Road, Alder
Camp Road and Klamath Beach Road in substitution for Regua Road and
Mouth of The Klamath Road at the discretion of the carrier.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

*Added by Decision No. _____, Application No. 58760.