

Decision No. 90848 SEP 25 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 MICHAEL A. KADLETZ, an individual,)
 dba Goodtime Tours and Company, to)
 sell and JEANNE MOLLICA, an indiv-)
 idual, for authority to acquire,)
 pursuant to Section 851, et seq.,)
 of the California Public Utilities)
 Code.)

Application No. 58979
 (Filed July 5, 1979)

O P I N I O N

By Decision Numbers 88064 and 89269, dated November 1, 1977, and August 22, 1978, respectively, Michael A. Kadletz, doing business as Goodtime Tours and Company, was issued a certificate of public convenience and necessity to operate as a passenger stage corporation (PSC - 995) to operate round trip one-, two-, and three-day sightseeing tours to Palm Springs from points in Buena Park, Anaheim, and Santa Ana.

By this application Michael A. Kadletz, hereinafter referred to as seller, requests authority pursuant to Section 851, et seq., of the Public Utilities Code to transfer the portion of his certificate of public convenience and necessity above described to Jeanne Mollica, hereinafter referred to as purchaser. Seller will retain a sightseeing route to Newport Beach and Laguna Beach from Anaheim and Buena Park, as authorized by Decision No. 58302, dated July 3, 1979.

The seller and purchaser have entered into a written agreement on the terms and conditions for transfer of the certificate. The parties have agreed that the purchase price will be the sum of \$13,000, for certificated rights and good will.

The application was listed on the Commission's Daily Calendar of July 9, 1979. 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.

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 that the project involved 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 presently held by Michael A. Kadletz, doing business as Goodtime Tours and Company, and the issuance of a certificate in appendix form to Jeanne Mollica.

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 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. On or before December 1, 1979, Michael A. Kadletz may sell and transfer the operative rights referred to in the application to the purchaser Jeanne Mollica.
2. Within thirty days after the transfer, the purchaser shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.

3. Purchaser 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 she has adopted or established, as her own, the rates and rules. 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 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 Jeanne Mollica, authorizing her 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, attached hereto and made a part hereof.

5. The certificate of public convenience and necessity granted to Michael A. Kadletz by Decision No. 89269 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. An in lieu certificate is concurrently granted to Michael A. Kadletz, doing business as Goodtime Tours and Company, to incorporate the one-half day Newport Beach/Laguna Beach Tour from Anaheim and Buena Park. This authority, as authorized by Decision No. 90514, dated July 3, 1979, is attached hereto and made a part hereof as Appendix B.

7. Purchaser 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.

8. Purchaser shall maintain her 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 her 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 SEP 25 1979, at San Francisco, California.

John E. Boyer
President

Henry L. Stearns

Robert W. Kinell

Richard J. Decker

Samuel M. ...
Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
PSC - 1082
TO OPERATE AS
A PASSENGER STAGE CORPORATION

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. **90848**
dated SEP 25 1979, of the Public Utilities Commission of
the State of California, in Application No. 58979.

Section 1. General Authorizations, Restrictions, and Specifications.

Jeanne Mollica is authorized as a passenger stage corporation to transport passengers over the routes hereinafter described subject 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 sightseeing passengers only.
- (b) All trips will begin and terminate (Route 1) in Buena Park, Anaheim, or Santa Ana, or (Route 2) within the on-call service territory described in Route 2.
- (c) Applicant shall not pick up or discharge passengers except within the limits described in each service route as hereinafter set forth. This restriction shall not prevent stopovers for the purpose of permitting sightseeing passengers to visit various points of interest along the route.
- (d) 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.
- (e) There shall be no transportation of baggage except that which is incidental to a trip by sightseeing passengers.
- (f) Service shall be operated daily with no fewer than 10 passengers except at the operator's discretion.

- (g) Advance reservations are required and will be accepted up to 30 minutes before departure time.
- (h) Any tour stop may be eliminated or substituted at the request of tour group or if any of the tour sights are closed.
- (i) The tour may be canceled due to poor weather conditions.
- (j) Sightseeing Routes 1 and 2 will not be operated in conjunction with each other.

Issued by California Public Utilities Commission.

Decision No. 90848, Application No. 58979.

Section 2. Route Description.

Route 1. SIGHTSEEING SERVICE: BUENA PARK, ANAHEIM, SANTA ANA/PALM SPRINGS. (Route Concluded by Option 1.1, 1.2, or 1.3)

Commencing and picking up passengers at the Convention Center Hotel at 7675 Crescent Avenue in Buena Park; thence easterly on Crescent to Beach and northerly on Beach to Holiday Inn at 7000 Beach Boulevard in Buena Park where passengers are to be picked up; thence easterly on State Route 91 to Interstate Route 5, southerly on Interstate 5 to Ball Road in Anaheim, westerly on Ball Road to Sheraton-Anaheim Hotel at 1015 Ball Road where passengers are to be picked up, westerly on Ball to West Street, southerly on West Street to Disneyland Hotel at 1150 W. Cerritos Avenue in Anaheim where passengers are to be picked up; thence southerly on West Street to Convention Way, east on Convention Way to the Quality Inn at 616 W. Convention Way in Anaheim where passengers are to be picked up; thence northerly on Harbor to Hyatt Hotel at 1700 S. Harbor Boulevard in Anaheim where passengers are to be picked up; thence northerly on Harbor Boulevard for passenger pickup at Howard Johnson's Motor Lodge at 1380 S. Harbor Boulevard; thence southeasterly on Interstate 5 to First Street in Santa Ana; westerly on First Street to Saddleback Inn at 1660 E. First Street in Santa Ana where passengers are to be picked up; thence easterly on First Street to Interstate 5, southeasterly on Interstate 5 to State Route 55, northerly on State Route 55 to State Route 91, easterly on State Route 91 to State Route 60, easterly on State Route 60 to Apache Trail off ramp to Hadley's Fruit Market in Cabazon for a 45 minute refreshment stop; thence easterly on State Route 60 to State Route 111, southerly on State Route 111 (eventually becoming Palm Canyon Drive) into the City of Palm Springs; thence westerly on Tahquitz-McCallum Way to Palm Springs Desert Museum, where passengers disembark for a two-hour narrated walking tour of the museum and the central shopping district of Palm Springs.

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Route 1, Options

1.1: One-Day Tour

Following Route 1, thence along the most convenient and appropriate streets for a sixty-minute tour of the greater Palm Springs area, enabling passengers to view such sights as Angel Stadium (baseball training grounds), Agua Caliente Indian Reservations, and Moorten Botanical Gardens. Upon completing this tour, thence northerly on State Route 111 to Tramway Drive, westerly on Tramway Drive to Palm Springs Aerial Tramway, where passengers disembark for a tram ride to and from the top. Thence northerly on Palm Canyon Drive to State Route 60, westerly on State Route 60 to State Route 91, westerly on State Route 91 to State Route 55, southerly on State Route 55 to Interstate Route 5, northwesterly on Interstate 5 to First Street in Santa Ana to Saddleback Inn, thus commencing the reversal of the hotel pickups.

Route 1, Options

1.2: Two-Day Tour

Following Route 1, thence along the most convenient and appropriate streets to a hotel within the city limits of Palm Springs for passenger check in, thence to an area restaurant for dinner, thence back to the hotel for the night.

On the second day, along the most convenient and appropriate streets for a five-hour tour of the greater Palm Springs area, enabling passengers to view such sights as Angel Stadium (Baseball training grounds), Agua Caliente Indian Reservation, Moorten Botanical Gardens, Mission Hills Country Club, Indio Date Festival (when in operation), and special events in progress (e.g., Bob Hope Desert Classic, American Airlines Tennis games). Upon completing this area tour, thence northerly on State Route 111 to Tramway Drive, westerly on Tramway Drive to

Palm Springs Aerial Tramway, where passengers disembark for a tram ride to an from the top. Thence northerly on Palm Canyon Drive to State Route 60, westerly on State Route 60 to State Route 91, westerly on State Route 91 to State Route 55, southerly on State Route 55 to Interstate Route 5, northwesterly on Interstate 5 to First Street in Santa Ana to Saddleback Inn, thus commencing the reversal of the hotel pickups.

Route 1, Options

1.3: Three-Day Tour

Following Route 1, thence along the most convenient and appropriate streets to a hotel within the city limits of Palm Springs for passenger check in, thence to an area restaurant for dinner, thence back to the hotel for the night.

The next morning, along the most convenience and appropriate streets for a five-hour tour of the greater Palm Springs area, enabling passengers to view such sights as Angel Stadium (baseball training grounds), Agua Caliente Indian Reservation, Moorten Botanical Gardens, Mission Hills Country Club, Indio Date Festival (when in operation), and special events in progress (e.g., Bob Hope Desert Classic, American Airlines Tennis games); thence, back to the hotel, where guests are free for the afternoon and night.

On the third morning, along the most convenient and direct route to local facilities for golf, horseback riding, tennis matches, shopping, or swimming, following which, along local streets to Palm Canyon Drive. Thence northerly on Palm Canyon Drive to State Route 60, westerly on State Route 60 to State Route 91, westerly on State Route 91 to State Route 55, southerly on State Route 55 to Interstate 5, northwesterly on Interstate Route 5 to First Street in Santa Ana to Saddleback Inn, thus commencing the reversal of the hotel pickups.

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Route 2 SIGHTSEEING SERVICE: On-Call

From points in the on-call service territory bordered on the north by State Highway 91, on the south by State Highway 1 (Pacific Coast Highway), on the west by State Highway 39 (Beach Boulevard), and on the east by State Highway 55, Interstate Route 5, and State Highway 133; thence by the most direct route to Hadley's Fruit Market in Cabazon for a 45-minute rest stop, thence by Route 1, above, to Palm Springs and return to the points of origin, following one-, two-, or three-day options.

(END OF APPENDIX A)

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Appendix B

MICHAEL A. KADLETZ
Doing Business As
GOODTIME TOURS & CO.

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
PSC - 995
TO OPERATE AS
A PASSENGER STAGE CORPORATION

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. **90848**,
dated SEP 25 1970, of the Public Utilities Commission
of the State of California, in Application No. 58979.

Section 1. General Authorizations, Restrictions, and Specifications.

Michael A. Kadletz, doing business as Goodtime Tours & Co., is authorized as a passenger stage corporation to transport passengers over the routes hereinafter described subject 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 sightseeing passengers only.
- (b) All trips will begin and terminate from pickup points described in Section 2.
- (c) Applicant shall not pick up or discharge passengers except within the limits described in the service route as hereinafter set forth. This restriction shall not prevent stopovers for the purpose of permitting sightseeing passengers to visit various points of interest along the route.
- (d) There shall be no transportation of baggage except that which is incidental to a trip by sightseeing passengers.
- (e) Service shall be operated daily with no fewer than 10 passengers except at the operator's discretion.

Appendix B

MICHAEL A. KADLETZ
Doing Business As
GOODTIME TOURS & CO.

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- (f) Advance reservations are required and will be accepted up to 30 minutes before departure time.
- (g) Any tour stop may be eliminated or substituted at the request of tour group or if any of the tour sights are closed.
- (h) The tour may be canceled due to poor weather conditions.

Section 2. Route Descriptions.

SIGHTSEEING SERVICE: ANAHEIM/BUENA PARK-NEWPORT
BEACH/LAGUNA BEACH

From authorized pickup points, described below, and return, along the most convenient and appropriate streets and highways to sightseeing attractions in Newport Beach, Corona del Mar, and Laguna Beach, including a 30-minute stopover at Newport Beach and a one-hour stopover at Laguna Beach and, optionally, a ferry trip to Balboa Island. Pickups and return drop-offs shall be permitted from the following locations only:

| <u>Hotel:</u> | <u>Location:</u> | <u>City:</u> |
|-------------------------|----------------------|--------------|
| Convention Center Hotel | 7675 Crescent Avenue | Buena Park |
| Holiday Inn | 7000 Beach Boulevard | Buena Park |
| Sheraton-Anaheim Hotel | 1015 Ball Road | Anaheim |
| "Fun-Bus" Terminal | 304 Katella Way | Anaheim |
| ** various | ** various | Anaheim |

** Anaheim Pickup Territory includes hotels and motels within the boundaries of Santa Ana Freeway on the north, Euclid Street on the west, Chapman Avenue on the south, and State College Boulevard on the east.

(END OF APPENDIX B)

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