

ORIGINAL

Decision No. 91038 NOV 20 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of NAPA VALLEY COMPANY, INC., for a Class "B" certificate to operate as a charter-party Carrier of Passengers. (File No. TCP-B-3)

Application No. 58879
(Filed May 21, 1979)

In the Matter of the Application of NAPA VALLEY COMPANY, INC., for certificate of public convenience and necessity to operate a passenger tour under PU Code §1031 service between Napa and the Silverado Country Club in Napa County and various wineries and points of interest in Napa County, California.

Application No. 58967
(Filed June 29, 1979)

- Edward J. Hegarty, Attorney at Law, for applicant.
- Lat J. Celmins, Attorney at Law, for Greyhound Lines, Inc.; Eldon M. Johnson, Attorney at Law, for All West Tours Napa; Keith L. Grimm, for K & G Bus Transportation Services, Inc., dba Western Charter Tours; Irwin Borof, Attorney at Law, for Gupton Stages and Bay Area Limo & Bus; and Raymond A. Greene, Attorney at Law, for Vaca Valley Bus Lines; protestants.
- James S. Clapp, Attorney at Law, for O'Connor Limousine Service and Lorrie's Travel and Tours, interested parties.
- Rita Clark and Masaru Matsumura, for the Commission staff.

O P I N I O N

Napa Valley Company, Inc. (Napa Valley) requests a Class B certificate to operate as a charter-party of passengers as well as a certificate of public convenience and necessity to provide service as

a passenger stage corporation between Napa and the Silverado Country Club, on the one hand, and various wineries and points of interest in Napa County, on the other hand.

The matters were consolidated for the purpose of hearing with Applications Nos. 58704 and 58903, which also request Class "B" certificates to operate as charter-party carriers in the Napa area. During the course of hearing applicant, Napa Valley Company, Inc., amended its application for a charter-party certificate by restricting service to the transportation of passengers having a prior or subsequent involvement with one of applicant's proposed certificated sightseeing tours. With the amendment, all protests to the applications of Napa Valley were withdrawn and the matters, which were heard before Administrative Law Judge Daly at San Francisco, on July 30, 1979, were submitted. Applications Nos. 58704 and 58903 were continued to a date to be set for the purpose of receiving additional evidence by both applicants and protestants. These matters will be considered in a separate decision.

Applicant proposes to use its charter-party authority within a 50-mile radius of Napa to transport passengers to Napa or the Silverado Country Club, where four certificated sightseeing tours would originate and terminate.

The proposed tours are as follows:

TOUR 1

Would leave Napa or Silverado Country Club at 9:00 a.m. and return at approximately 4:00 p.m. This tour would include visits to two or three wineries and three other places of interest and would include the \$2.50 admission for the Sterling Vineyard tram and \$1.65 for champagne tasting and hors d'oeuvres. Proposed fare - \$19.50.

TOUR 2

Would leave Napa or Silverado Country Club at 9:00 a.m. and return at approximately 4:00 p.m. The tour would include visits at three or more wineries and one or more other points of interest, but no admission fees would be paid. Proposed fare - \$15.00.

TOUR 3

This tour would cover a period of three and one-half hours and would consist of visits to two or three wineries. Proposed fare - \$10.00.

TOUR 4

Would consist of a narrative drive from Napa or the Silverado Country Club through the Napa Valley to one of the wineries which arranges for catered evening meals, and return. Proposed fare - \$4.00.

Applicant intends to use two 70-passenger double decker buses that have been installed with additional radiator systems and equipped with air-conditioning systems. As of June 15, 1979, applicant indicated a net worth in the amount of \$57,000.

Three individuals representing Travel Tours, a shopping center, and the Napa Chamber of Commerce appeared in support of the proposed sightseeing service of applicant, Napa Valley.

Findings of Fact

1. Public convenience and necessity require applicant's service as a passenger stage corporation and as a charter-party carrier of passengers.

2. Applicant possesses satisfactory fitness and financial ability to conduct the proposed services.

3. Existing charter-party carriers presently serving the area have no objection to the proposed service as amended.

4. Because of the restriction of Section 5371.2, which imposes a limit of 40 miles, applicant should be authorized to pick up passengers as a charter-party carrier within a radius of 40 miles from his terminal, 3050 Jefferson Street, Napa, California, instead of the radius of 50 miles as requested.

5. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

The Commission concludes that the application should be authorized as herein set forth.

Napa Valley Company, 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 Napa Valley Company, Inc., a 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 of this decision.

2. 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 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, 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 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.

3. A certificate of public convenience and necessity, to be renewed each year, is granted to Napa Valley Company, Inc., authorizing it to operate as a Class B charter-party carrier of passengers, as defined in Section 5383 of the Public Utilities Code, from a service area encompassing a radius of 40 miles from applicant's home terminal at 3050 Jefferson Street, Napa, California, subject to the restriction that all passengers transported shall have a prior or subsequent involvement in applicant's passenger stage service within Napa County.

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4. In providing service pursuant to the certificate granted in Ordering Paragraph 2, applicant shall comply with and observe the safety rules and other regulations of the Commission's General Order No. 98-Series and the insurance requirements of the Commission's General Order No. 115-Series.

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

Dated NOV 20 1979, at San Francisco, California.

John E. Byron
President
Vernon L. Sturgeon

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

Alvin J. DeLuca
Lawrence M. Givens
Commissioners

NAPA VALLEY COMPANY, INC.

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION

PSC 1089

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. 91038
dated NOV 20 1979 of the Public Utilities Commission
of the State of California, in Application No. 58967.

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

Napa Valley Company, Inc., a corporation, by the Certificate of Public Convenience and Necessity granted by the decision in the margin to operate as a passenger stage corporation, is authorized to transport passengers and their baggage between Napa and the Silverado County Club in Napa County and various wineries and points of interest in Napa County, 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 sightseeing tours shall stop at one or more of the Napa County wineries or points of interest as hereinafter authorized.
- (b) The term "on-call" 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 authorized "on-call" service will be rendered.
- (c) To the extent that admission fees are to be paid by the certificate holder, the tariffs and timetables shall show the admission fees to be so paid.

Issued by California Public Utilities Commission.

Decision No. 31033, Application No. 58967.

Route 1

Commencing in Napa or the Silverado Country Club, then north on State Route 29 or east on Trancas Street and then north on the Silverado Trail to the junction of State Route 29 and 128 at or near Calistoga, or points intermediate thereto, using such lateral and cross roads (including Redwood Road, Mt. Veeder Road, Dry Creek Road, Trancas Street, Yountville Cross Road, Oakville Cross Road, Rutherford Road, Skellinger Lane, Zinfandel Lane, Pope Street, Spring Mountain Road, Deer Park Road, Larkmead Lane, Dunaweal Lane and Toplin Lane) as may be required to enable optional stops at various wineries including but not limited to the Napa Valley wineries of Christian Brothers Mont La Salle, Mt. Veeder Winery, Mayacamas Vineyards, Veedercrest, Domaine Chandon, Trefethen Vineyards, Robert Mondavi Winery, Justin Miller, Inglenook Vineyards, Grgich Hills, Rutherford Vintners, Cakebread, Beaulieu Vineyard, Franciscan Vineyards, Sutter Home, V. Sattui Winery, Heitz Tasting Room, Louis Martini Winery, J. Mathews, Keenan, Chateau Chevalier, Conradi Vineyards, Yverdon Vineyards, Spring Mountain, Beringer Winery, Christian Bros., Charles Krug Winery, Freemark Abbey, Stony Hill, Conn Creek, Hanns Kornell Champagne Cellars, Schramsberg Vineyards, Stonegate Winery, Sterling Vineyards, Diamond Creek Vineyards, Cuvaison Winery, Burgess Cellars, Joseph Phelps Vineyards, Heitz Wine Cellars,

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Chappellet Winery, Stag's Leap Winery, Beckett, Stag's Leap Wine Cellars, Clos Du Val, Nash Creek, Silver Oak Cellars, Caymus Vineyards and Raymond Vineyards, and other points of interest including but not limited to Vintage 1870, Burgundy House Inn, Oliver Oil Manufacturing, Calistoga Steam Railroad, Calistoga Train Depot, Napa State Park and Old Bale Mill, and return over the same routes, cross roads or lateral roads.

Issued by California Public Utilities Commission.

Decision No. 91033, Application No. 58967.