

ems/dr

NOV 30 1979

Decision No. 91079

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE GRAY LINE TOURS)
COMPANY for a Certificate of Public)
Convenience and Necessity to extend)
operations as a passenger-stage)
corporation. }

Application No. 59113
(Filed August 30, 1979)

OPINION AND ORDER

Gray Line Tours Company (Gray Line) is a passenger stage corporation providing common carrier sightseeing service. Items 710, 720, 730, and 731 of Appendix A to D.84749, as amended, set forth Gray Line's authority originating in the city of San Diego. The carrier now proposes that a new Item No. 732 containing Tour No. S-7 be added to its certificated authority applicable to San Diego, as follows:

"Greater San Diego County Tour: This tour covers, by way of example, points of interest within that portion of San Diego County on and east of Interstate Highway 15, such as San Diego Embarcadero, Lindbergh Field, Mission Bay, Mount Soledad, U.C.S.D. Campus, Torrey Pines State Park, La Jolla, Del Mar, Cardiff by the Sea, Leucadia, San Marcos, Vista, Bonsall, Fallbrook, Escondido - Welkome Inn, Rancho Bernardo, Miramar, Mission Valley - Mission de Alcala de San Diego, and San Diego Stadium."

Gray Line's analysis of the market convinces it there is a need for the sought authority. The proposed tour would be open to sightseeing points of interest within San Diego County not presently the subject of any regulated sightseeing activity.

The proposed service would be rendered on a seasonal basis on each Tuesday, Thursday, and Saturday, June 15 through September 15 of each year. The duration of the tour would be seven hours and cover approximately 140 miles. Fares would be \$15 per adult and \$7.50 per child. Rules governing service would be as set forth in D.84749.

Gray Line is unaware of any passenger stage corporation with which the proposed service will compete. There are no protests. The application should be granted.

Findings of Fact

1. Gray Line is a passenger stage corporation engaged in performing numerous common carrier sightseeing services in California.

2. Gray Line seeks to extend its certificated sightseeing authority by adding a Greater San Diego County Tour No. S-7 in Item No. 732 of its tariff.

3. Gray Line is unaware of any passenger stage corporation with which the proposed service will compete.

4. Gray Line has the ability, financial resources, insurance, and experience necessary to perform the proposed additional sightseeing service in San Diego County.

5. The proposed fares are justified.

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

7. Gray Line has demonstrated that public convenience and necessity require certification of the additional sightseeing services sought.

It is concluded that the sought authority should be granted. Since there are no protests, and since the public will benefit from immediate institution of the service, the following order should be effective the date of signature.

Gray Line 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.

IT IS ORDERED that:

1. Appendix A of Decision No. 84749 in Application No. 54366, as amended by Decisions Nos. 85023, 87520, 84984, and 90241, is further amended by incorporating Second Revised Page 26, attached hereto, in revision of First Revised Page 26, and First Revised Page 27, attached hereto, in revision of Original Page 27.

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 of 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.

The effective date of this order is the date hereof.

Dated NOV 30 1979, at San Francisco, California.

John E. Byrne
President

Thomas L. Steiner

Robert W. Koval

Philip J. Friedrich

James W. [unclear]
Commissioners

U/dr

Appendix A
(Dec. 84749)

THE GRAY LINE TOURS COMPANY
(a corporation)

Second Revised Page 26
Cancels
First Revised Page 26

Item Tour
No. No.

SECTION V, Tours from San Diego, Coronado
and Palm Springs—Cont'd.

730 S-5

San Diego and Coronado-Los Angeles: Leaving the Cities of San Diego and Coronado via the San Diego Freeway (U.S. Interstate Highway No. 5) to Capistrano Beach, thence via the most appropriate and scenic routes to the City of Los Angeles, and return, visiting points of interest such as Knott's Berry Farm and Disneyland.

NOTE: Passengers so desiring may be given the option to debark at Knott's Berry Farm or Disneyland without completion of the outbound tour to Los Angeles and be picked up on return of said tour or by other available vehicles.

731 S-6

San Diego City Tour: This tour covers, by way of example, points of interest within the Cities of San Diego and Coronado, such as San Diego Bay, the Cabrillo Monument, La Jolla, "Old Town", the San Diego Zoo, Sea World, Wild Animal Park, and Del Coronado Hotel.

NOTE: An optional San Diego Harbor tour may be provided.

732 S-7

Greater San Diego County Tour: This tour covers, by way of example, points of interest within that portion of San Diego County on and east of Interstate Highway 15, such as San Diego Embarcadero, Lindbergh Field, Mission Bay, Mount Soledad, U.C.S.D. Campus, Torrey Pines State Park, La Jolla, Del Mar, Cardiff by the Sea, Leucadia, San Marcos, Vista, Bonsall, Fallbrook, Escondido - Welkome Inn, Rancho Bernardo, Miramar, Mission Valley - Mission de Alcalá de San Diego, and San Diego Stadium.

Issue by California Public Utilities Commission.

Decision No. 91079, Application No. 59113.

<u>Item No.</u>	<u>Tour No.</u>	
		SECTION V, Tours from San Diego, Coronado and Palm Springs—Cont'd.
735	P-1	<u>Palm Springs-Indio-La Quinta:</u> Beginning at Palm Springs, thence southerly along Palm Canyon Drive and State Route 111 to Indian Wells and Point Happy, thence detouring off State Route 111 to La Quinta returning to State Route 111, thence easterly to Indio, thence returning to Palm Springs over the same route with or without detour to La Quinta. Diversions may be made from this route visiting various points of interest nearby.
740	P-2	<u>Palm Springs-Palm Canyon:</u> Beginning at Palm Springs, thence southerly over Palm Canyon Boulevard and country roads to Palm Canyon returning to Palm Springs over the same route with diversions to nearby points of interest including Smoke Tree and Deep Well Guest Ranches.
745	P-3	<u>Palm Springs-Twenty-nine Palms:</u> Beginning at Palm Springs, thence northerly over and along Indian Avenue to Garnet on U.S. Highway 99, thence westerly along Interstate Highway 10 to Twenty-nine Palms Highway thence northerly along Twenty-nine Palms Highway to Twenty-nine Palms thence, southerly over the desert roads via Split Rock Tank, White Horse Mine, Keyes Ranch, Inspiration Point, Quails Springs and Joshua Forest, to a point where the desert road intersects Twenty-nine Palms Highway, thence along Twenty-nine Palms Highway to Interstate Highway 10, thence westerly to a junction at Palm Springs Highway (State Route 111), thence southerly over Palm Springs Highway to Palm Springs, with diversions to points of interest located adjacent to or nearly such route; provided that any trip on any tour may be canceled unless a minimum of four tickets is sold for such trip.

* These items previously shown on First Revised Page 26.