

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the transfer of Brent W. Twoomey and Bradley E. Twoomey, doing business under the name of North Coast Redwood Tours, a partnership, its existing Passenger Stage Authority to North Coast Redwood Tours, a corporation; and for authority to issue 1000 shares of stock.

ORIGINAL

Application No. 59037 (Filed August 1, 1979)

OPINION

Brent W. Twoomey and Bradley E. Twoomey, a partnership, doing business as North Coast Redwood Tours (hereinafter referred to as transferors) request authority to transfer his Certificate of Public Convenience and Necessity to operate as a passenger stage corporation and certain related assets to North Coast Redwood Tours, a California corporation, (hereinafter known as transferee) and the latter seeks authorization to issue 1,000 shares of common stock at \$20.00 per share to Brent W. Twoomey, 400 shares, Bradley E. Twoomey, 400 shares and David L. Sheetz, 200 shares.

By Decisions 88900 and 90390, transferor was issued a Certificate of Public Convenience and Necessity to operate as a passenger stage corporation (PSC 1039) to transport passengers on sightseeing tours between Eureka, Arcata, Trinidad and Orick, on the one hand, and certain points of interests and places such as the Redwood National Park and Prairie Creek State Park located in the counties of Humboldt and Del Norte.

Applicants states that "... the purpose for which the securities are to be issued are as follows: Ownership of the aforementioned vehicles will be transferred to the corporation and the vehicles will be used in corporate business."

The application was listed on the Commission's Daily Calendar of August 3, 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:

- 1. The proposed transactions would not be adverse to the public interest.

2. The proposed stock issue would be for a proper purpose.

3. The money, property or labor to be procured or paid for by the stock herein authorized is reasonably required for the purpose specified herein, which purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income.

On the basis of the foregoing findings, the Commission concludes that the proposed transfer should be authorized. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Brent Twoomey and Bradley Twoomey, doing business as North Coast Redwood Tours, and the issuance of a certificate in appendix form to North Coast Redwood Tours, a California corporation.

North Coast Redwood Tours, 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. The authorization herein granted shall not be construed as a finding of the value of the rights and properties authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before June 1, 1980, Brent Twoomey and Bradley Twoomey, a partnership, doing business as North Coast Redwood Tours, transferors may sell and transfer the operative rights and other assets referred to in the application to North Coast Redwood Tours, a California corporation, transferee.

2. Within thirty days after the transfer, transferee 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. Transferee 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 it has adopted or established, as its own, the rates and rules. The tariff and timetable filings shall be made effective not earlier than five days after the 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. 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 transferee 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 as set forth in Appendix A of this decision.

5. Transferee, on or after the effective date hereof and on or before June 1, 1980, may issue not exceeding 1,000 shares of its common stock in exchange for assets totaling \$20,000.

6. Transferee shall file with the Commission the reports required by General Order No. 24-B, which order, insofar as applicable, is hereby made a part of this order.

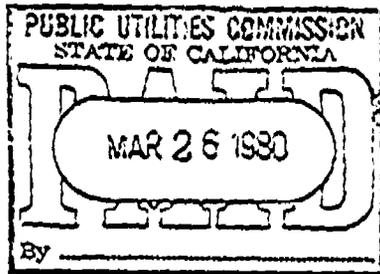
7. The Certificate of Public Convenience and Necessity granted by Decisions Nos. 88900 and 90390 are revoked effective concurrently with the effective date of the tariff filings required by Paragraph 3.

8. Transferee shall comply with the safety rules administered by the California Highway Patrol, the rules and regulations of the Commission's General Order No. 98-Series, and the insurance requirements of the Commission's General Order No. 101-Series.

9. Transferee 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.

10. The authority granted by this order to issue stock will become effective when transferee has paid the fee prescribed by Section 1904.1 of the Public Utilities Code, which fee is \$40. In all other respects the effective date of this order shall be thirty days after the date hereof.

Dated MAR 4 1980, at San Francisco, California.



John E. Bryson  
President  
Herman L. Stinson  
Robert W. Kinell  
Donald J. [Signature]  
Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

North Coast Redwood Tours  
(a California corporation)

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
NO. 1039  
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. **91402**  
dated MAR 4 1980 of the Public Utilities Commission  
of the State of California, in Application No. 59037.

North Coast Redwood Tours  
(a California corporation)  
(PSC-1039)

INDEX

		<u>Page No.</u>
SECTION 1.	GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS AND SPECIFICATIONS .....	2
SECTION 2.	ROUTE DESCRIPTIONS	
	<u>Tour</u> <u>Tour Name</u>	
	1      Prairie Creek State Park Tour	3
	2      Klamath River Tour	3
	Alternate Service for "On-call" locations	4
	Alternate Route for Tour No. 2	4

Issued by California Public Utilities Commission.

Decision No. 91402, Application No. 59037.

North Coast Redwood Tours  
(a California corporation)  
(PSC-1039)

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

The Certificate hereinafter noted supersedes all operative authority heretofore granted to Brent Twoomey and Bradley Twoomey, doing business as North Coast Redwood Tours, or its predecessors.

North Coast Redwood Tours, a California corporation, by the Certificate of Public Convenience and Necessity granted in the decision noted in the margin, is 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 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 be 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.

Decision No. 91402, Application No. 59037.

North Coast Redwood Tours  
(a California corporation)  
(PSC-1039)

SECTION 2. ROUTE DESCRIPTIONS  
TOUR NO. 1 --Prairie Creek State Park

Beginning at the intersection of Scenic Drive and Main Street in the City of Trinidad, thence by appropriate streets or highways to U.S. Highway 101, thence via U.S. Highway 101 to Orick, thence via U.S. Highway 101 to Bald Hills Road, thence via Bald Hills Road to the limits of Redwoods National Park; thence returning via Bald Hills Road to U.S. Highway 101, thence via U.S. Highway 101 to Cal-Barrel Road approximately two miles north of the park headquarters of Prairie Creek State Park, thence via U.S. Highway 101, to Davidson Road, thence via Davidson Road to Fern Canyon; thence returning via Davidson Road to U.S. Highway 101, thence via U.S. Highway 101 to the point of beginning.

TOUR NO. 2 --Klamath River

Beginning at the intersection of Scenic Drive and Main Street in the City of Trinidad, thence by appropriate streets or highways to U.S. Highway 101, thence via U.S. Highway 101 to Orick, thence via U.S. Highway 101 to Bald Hills Road, thence via Bald Hills Road to the limits of Redwoods National Park; thence returning via Bald Hills Road to U.S. Highway 101, thence via U.S. Highway 101 to the park headquarters of Prairie Creek State Park, thence via U.S. Highway 101 passing Red Park Road and Klamath Beach Road to Requa Road, thence via Requa Road and Mouth Of The Klamath Road to the Klamath River Overlook; thence return via Mouth of the Klamath Road, Requa Road to U.S. Highway 101, thence via U.S. Highway 101, to Davidson Road, thence via Davidson Road to Fern Canyon; thence returning via Davidson Road to U.S. Highway 101, thence via U.S. Highway 101 and the appropriate streets to the point of beginning.

Issued by California Public Utilities Commission.

Decision No. 91402, Application No. 59037.

North Coast Redwood Tours  
(a California corporation)  
(PSC-1039)

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.

Decision No. 91402, Application No. 59037.