

ORIGINAL

Decision No. 92423 NOV 18 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application
of WORLD WIDE JOYE TOURS, INCOR-
PORATED for Certificate of Public
Convenience and Necessity to
Operate Escorted and Guided Tour
Passenger Service Between All
Points in California with Return
to Fresno.

Application No. 59254
(Filed November 2, 1979)

Royce C. Browning and William R. Daly, for
World Wide Joye Tours, Inc., applicant.
Silver, Rosen, Fischer & Stecher, by
Ellis Ross Anderson, Attorney at Law, for
Yosemite Park and Curry Company,
protestant.

OPINION ON REHEARING

World Wide Joye Tours, Inc. (Joye) filed this application to obtain a certificate of public convenience and necessity to operate as a passenger stage corporation. The proposed operation was comprised of numerous individual excursion or round-trip tours to specified points in California originating in and returning to Fresno. Joye's proposed Tour No. 12 was an excursion from Fresno to Yosemite Park and return.

No notice of the application was served on Yosemite Park and Curry Co. (Curry); that corporation holds a certificate of public convenience and necessity to conduct a passenger stage operation between Fresno and Yosemite Park.

Decision No. 91299, issued and effective on January 29, 1980, granted Joye all the authority it sought, including Tour No. 12. On February 27, 1980 Curry petitioned for rehearing of Decision No. 91299 and requested a stay of the order insofar as it granted authority to operate to and from Yosemite Park. By Decision No. 91785, the Commission granted rehearing but refused to stay the certificate.

Rehearing was held before Administrative Law Judge Gilman on June 16 and 17 in San Francisco. Joye requested that it be given the opportunity to demonstrate public convenience and necessity by calling public witnesses in Fresno. Accordingly, further hearing was set and held on July 31, 1980 in Fresno. At that time representatives of applicant Joye and petitioner Curry indicated that they had reached a tentative stipulation. The matter was thereupon temporarily removed from the calendar. On August 7, 1980 the parties filed a written stipulation and request for final order. ✓

Both parties stipulated that the public convenience and necessity can best be served under Curry's existing authority and that Curry is presently willing and able to provide such service. Pursuant to the stipulation, Joye amended its application to strike therefrom the request for authority to operate Tour No. 12. In all other respects the application is intended to remain as originally submitted to the Commission. Joye requested that the Commission, effective no earlier than August 31, delete Tour No. 12 from the certificate granted by Decision No. 91299.

It is agreed that Curry and Joye will cooperate to develop public awareness of the transportation capabilities of each and to ensure that the most efficient transportation services possible are rendered to the public without reducing either carrier's opportunity to earn a reasonable rate of return on its

investment. It is expressly stipulated that nothing in the agreement will foreclose either party from filing future applications seeking additional passenger stage authority between the same or other points as may be required by public convenience and necessity.

Finding of Fact

Based upon the stipulation of the parties, we find that the public convenience and necessity do not require the issuance of a passenger stage certificate to applicant Joye to perform an excursion service between Fresno and Yosemite Park.

Conclusion of Law

We conclude that the certificate of public convenience and necessity issued by Decision No. 91299 should be amended by striking Tour No. 12 and all description pertaining thereto.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity (PSC-1104) granted by Decision No. 91299 is hereby amended by First Revised Page 2 canceling Original Page 2 and First Revised Page 6 canceling Original Page 6 attached herein as Appendix A to this decision.

2. In all other respects, Decision No. 91299 shall remain in full force and effect.

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

Dated NOV. 18 1980, at San Francisco, California.

John E. Bryan
President
James L. Sullivan
Michael W. Choate
Clair T. Daddick
Edmund W. Smith
Commissioners

T/ACB/ALJ ec *

Appendix A
(D. 91299 in
A. 59254)

WORLD WIDE JOYE TOURS,
INCORPORATED
(PSC-1104)

First Revised Page 2
Cancels
Original Page 2

SECTION 2. ROUTE DESCRIPTIONS.

Subject to the authority of this Commission to change or modify such at any time, World Wide Joye Tours, Incorporated, shall conduct its passenger stage operations between the following points and over and along the following route descriptions:

INDEX OF TOURS

<u>Tour Number</u>	<u>Tour Name</u>	<u>Page</u>	✓
1	Crescent City	3	
2	California Fall Color	3	
3	Sacramento and Old Town	3	
4	Nevada-Placer County	4	
5	Lake Tahoe	4	
6	San Francisco Bay Area	4	
7	Half Moon Bay	4	
* 8	San Jose	5	
* 9	Santa Cruz	5	
10	Monterey-Pacific Grove-Carmel	5	
11	Delta River Cruise	5	
* 12 (Deleted)			
* 13	Hearst Castle	6	
14	Santa Barbara	6	
15	Los Angeles Area	6	
* 16	San Diego	7	
17	Imperial Valley	7	
18	Palm Springs-Indio-Date Festival	7	
* 19	Death Valley	8	
20	Gold Country, Eastern California	8	

Issued by California Public Utilities Commission.

*Revised by Decision No. 92423, Application No. 59254.

T/ACB/ALJ cc *

Appendix A
(D. 91299
in A. 59254)

WORLD WIDE JOYE TOURS,
INCORPORATED
(PSC-1104)

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Cancels
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SECTION 2. ROUTE DESCRIPTIONS (Continued)

* (Intentionally left blank)

TOUR 13 -- Hearst Castle

Commencing from any appropriate point or points within Fresno County; thence leaving Fresno via Highway 41 west, to Highway 46 west; thence to Highway 1 north, to Hearst Castle. With stops at various points of interest including Paso Robles, Morro Bay, Lemoore, San Simeon, and Cambria; thence return over the same route to the original point or points of embarkation.

TOUR 14 -- Santa Barbara-Pacific Ocean

Leaving Fresno via Highway 41 west to 46 west to Highway 101 south; thence to Santa Barbara with stops at various points of interest; thence returning over the same route.

TOUR 15 -- Los Angeles Area (two or three-day tour)

Leaving Fresno on Highway 99 south to Interstate 5 south, to Los Angeles with stops at least at two of the following points of interest: Buena Park (overnight) ✓
Knott's Berry Farm, Disneyland, Universal Studios, ✓
J. Paul Getty Museum, Century City Plaza, Pantages Theatre, Music Center, Convention Center, NBC Studios, Farmer's Market, Busch Gardens, Lion Country Safari, Laguna Art Festival, Hemet, Queen Mary, Marine Land, Los Angeles County Museum, Huntington Park Library, Santa Anita Racetrack, Los Angeles County Arboretum, Griffith Park, Wax Museum, Sunset Boulevard, Newport Beach, Long Beach, and Marina del Rey, and Pasadena, Chavez Ravine and Anaheim Stadium. Thence returning over the most appropriate route to the original point or points of embarkation.

Issued by California Public Utilities Commission.

*Revised by Decision No. 92423, Application No. 59254.