

Decision No. 92524 DEC 16 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
NORMAN O. WILLOUGHBY, dba CabareTours,)
for a Certificate of Public Convenience)
and Necessity to Operate Passenger)
Service--Namely, Nightclub Tours,)
Within the County of Los Angeles Between)
the City of Los Angeles and the Marina)
Del Rey and/or Santa Monica Area and the)
Beverly Hills and/or Hollywood Area.)

ORIGINAL

Application No. 59517
(Filed March 13, 1980)

OPINION AND ORDER

By this application Norman O. Willoughby, an individual doing business as CabareTours, requests a certificate of public convenience and necessity pursuant to Section 1031 et seq of the Public Utilities Code (Code) to act as a Passenger Stage Corporation as defined in Section 226 of the Code to transport passengers only on restaurant and/or nightclub entertainment tours between designated hotels located in Los Angeles, on the one hand, and restaurants and nightclubs located in Beverly Hills, Marina Del Rey and Santa Monica, on the other hand, over and along the most convenient streets and highways.

The equipment proposed to be used by applicant is a 1973 Buick Station Wagon which seats seven passengers plus the driver.

K The proposed tours are to be taken between the hours of 7:00 *p.m.* and 1:00 *a.m.* and will take approximately six hours.

The proposed fare is \$45.00 each person, for transporting a minimum of six passengers, subject to a minimum charge of \$250.00 for tours to be conducted with less than six passengers.

Applicant's balance sheet as of January 19, 1980 shows assets of \$118,000 and net worth of \$33,600. The appli-

cation was served upon the Gray Line Tours Company, Starline Sightseeing Tours, Inc., and the Cities of Los Angeles, Santa Monica and Beverly Hills. The matter was listed on the Commission's Daily Calendar on March 17, 1980.

The Commission's Transportation 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.

The applicant alleges that public convenience and necessity require granting of the certificate because the proposed tours are highly personalized and are distinct from any service currently being offered by existing passenger stage corporations between the points and places set forth in his application.

Additionally, applicant states that his use of multi-passenger vehicles would replace the private automobile as a means of travel for restaurant and nightclub clientele and therefore conserve energy and lessen air pollution.

Findings of Facts

1. Applicant has the financial resources and ability to operate the proposed service.
2. The proposed fares are just and reasonable.
3. Public convenience and necessity require that the application be granted.
4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
5. A public hearing is not necessary.

Conclusion of Law

We conclude that public convenience and necessity has been demonstrated and the application should be granted. A public hearing is not necessary.

Norman O. Willoughby, an individual doing business as Cabare-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 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. A certificate of public convenience and necessity is granted to Norman O. Willoughby, an individual doing business as CabareTours authorizing him to act as a passenger stage corporation as defined in Section 226 of the Public Utilities Code to transport passengers only on restaurant and/or nightclub entertainment tours between designated hotels located in Los Angeles, on the one hand, and hereinafter named restaurants and/or nightclubs located in Beverly Hills, Marina Del Rey and Santa Monica as specifically set forth in Appendix A of this decision attached hereto, on the other hand, over and along the most convenient streets and highways.

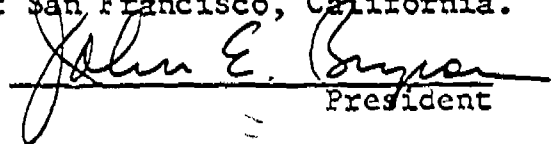
2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following regulations. Failure to do so may result in a cancellation of the authority.

- (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 he accepts the certificate he 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) Applicant shall establish the authorized service and file tariffs and timetables, in triplicate, in the Commission's office or or before one hundred twenty days after the effective date of this order.
- (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 his 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 his 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.

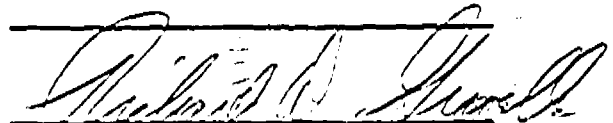
Dated DEC 16 1980, at San Francisco, California.

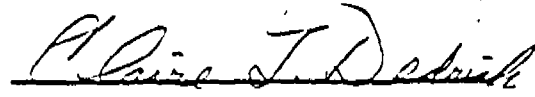


President

Commissioner Vernon B. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Leonard M. Grimes, Jr., being necessarily absent, did not participate.





Commissioners

T/am

Appendix A

NORMAN O. WILLOUGHBY
doing business as
CABARETOURS

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
PSC - 1124

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. **92524**
dated DEC 16 1960, of the Public Utilities Commission
of the State of California, in Application No. 59517.

I N D E X

	<u>Page No.</u>
SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS AND SPECIFICATIONS.	2
SECTION 2. AUTHORIZED POINTS OF PICKUP	3
SECTION 3. AUTHORIZED SERVICE LOCATIONS	4

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

Norman O. Willoughby, an individual doing business as CabareTours, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to act as a Passenger Stage Corporation as defined in Section 226 of the Public Utilities Code to transport passengers only on restaurants and/or nightclub entertainment tours between designated hotels located in Los Angeles, on the one hand, and hereinafter named restaurants and nightclubs located in Beverly Hills, Marina Del Rey and Santa Monica, on the other hand, over and along the most convenient streets and highways, subject, however, to the authority of this Commission to change or modify said authority at any time and subject to the following provisions:

- (a) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections in accordance with local traffic regulations.
- (b) All services herein authorized shall be limited to the transportation of round-trip passengers only.
- (c) Tours shall be conducted on a continuous basis and provide accessorial services including but not limited to restaurant meals, nightclub shows and/or beverages. Tariffs shall define and include such accessorial services.
- (d) All tours performed are to be individual and shall allow participants to visit a minimum of four (4) of the establishments listed among those which are hereinafter named as the carrier's authorized service locations.
- (e) Service shall be restricted to the transportation of passengers in motor vehicles having a capacity not exceeding 15 passengers, including the driver.

Issued by California Public Utilities Commission.

Decision No. 92524, Application No. 39517.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS. (Continued)

- (f) Pickup and final discharge of passengers shall be made only at the carrier's authorized pickup points as described in Section 2 of this Appendix A.
- (g) All tours performed shall be between the carrier's authorized pickup points and the carrier's authorized service locations as described in Section 3 of this Appendix A.

NORMAN O. WILLOUGHBY
doing business as
CABARETOURS
PSC-1124

SECTION 2. AUTHORIZED POINTS OF PICKUP

Hyatt Regency Hotel
711 S. Hope St.
Los Angeles, CA 90017

Bonaventure Hotel
404 S. Figueroa St.
Los Angeles, CA 90017

Biltmore Hotel
515 S. Olive St.
Los Angeles, CA 90013

Century Plaza Hotel
2025 Avenue of the Stars
Los Angeles, CA 90067

Ambassador Hotel
3400 Wilshire Blvd.
Los Angeles, CA 90005

SECTION 3. AUTHORIZED SERVICE LOCATIONS

Grandview Gardens Restaurant
922 N. Hill Street
Los Angeles (Chinatown)

Tony Roma's Place
9494 Brighton Way
Beverly Hills

Grand Star Restaurant
943 Sun Mum Way
Los Angeles (Chinatown)

La Strada Restaurant
300 Los Feliz Blvd.
Los Angeles

La Fonda Restaurant
2501 Wilshire Blvd.
Los Angeles

Villa Lasagna Restaurant
2112 Hillhurst
Los Angeles

El Paseo Restaurant
E. 11 Olvera Street
Los Angeles

Playboy Club
ABC Entertainment Club
Los Angeles (Century City)

La Colondrina Restaurant
17 W. Olvera Street
Los Angeles

Seven Seas Restaurant
6904 Hollywood Blvd.
Los Angeles

Don The Beachcomber Restaurant
13530 Bali Way
Marina Del Rey

The Green House
5900 Wilshire Blvd.
Los Angeles

The Horn
2627 Wilshire Blvd.
Santa Monica

The Warehouse
4499 Admiralty Way
Marina Del Rey

O'Shaughnessy's
515 S. Flower Street
Los Angeles

(END OF APPENDIX A)