

MAR 17 1981

ORIGINAL

Decision No. 92826

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. 60091  
(Filed November 17, 1980)

O P I N I O N

The Gray Line Tours Company (Gray Line) seeks to institute a new sightseeing tour centering around the Newport-Balboa area to supplement its presently authorized tour "Item No. 530 - Newport Beach Shopping and Sightseeing".

Gray Line presently has authority from this Commission as a passenger stage corporation to conduct various tours as restated in D.84749 dated August 5, 1975 and expanded by D.85032, D.87520, D.87984, D.90600, and D.91079. The above-mentioned Item No. 530 was authorized by D.90600 dated July 31, 1979 in A.58599 for authority to provide such a tour.

Gray Line alleges that despite substantial promotion the Item No. 530 tour has not proven to be a significant attraction from the standpoint of visitor appeal. Gray Line believes the tour proposed in this application will prove to be considerably more attractive and thereby should increase patronage.

The proposed tour is as follows:

Item No. 535 - Newport Beach Harbor Cruise and Shopping Tour  
Los Angeles to Newport Beach and return over the most appropriate and scenic routes, visiting en route such points of interest as Rogers Gardens, shopping areas, yacht marinas, Lido Village, and residential and scenic areas. This tour will additionally include a fully narrated cruise of Newport Harbor.

Gray Line knows of no similar tour presently being offered by any existing sightseeing carrier.

The proposed tour would be operated on a seasonal basis, daily, from mid-June through mid-September of each year. The tour will be offered as an all-day tour at a rate of \$14.10 per adult and \$6.80 per child. Rules governing service will be as set forth in said D.84749.

The application was duly noticed on the Commission's Daily Calendar on November 20, 1980. Copies of the application were served on the counties of Los Angeles and Orange, the city of Newport Beach, Orange Coast Sightseeing Company, and Mr. Stuart Alan Messnick, dba The Co-Ordinators. No protests to the granting of the application were received.

Findings of Fact

1. Gray Line has the operating personnel, equipment, and the financial ability to conduct the operation as proposed.
2. Public convenience and necessity require the additional operations proposed by Gray Line.
3. It can be seen with certainty that there is no possibility that the passenger stage operation involved in this proceeding may have a significant effect on the environment.
4. A public hearing is not necessary.

Conclusion of Law

The Commission concludes that a certificate of public convenience and necessity to operate as a passenger stage corporation should be granted to Gray Line to the extent set forth in the ensuing order.

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 granting 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 applicant, Gray Line Tours Company, a corporation, authorizing it to extend operations as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code between Los Angeles and Newport Beach visiting en route such points of interest as Rogers Gardens, shopping areas, yacht marinas, Lido Village, and residential and scenic areas.
2. Appendix A of Decision No. 84749, as heretofore amended, is further amended by incorporating Third Revised Page 23, and Original Page 23.1, attached hereto, in revision of Second Revised Page 23.
3. 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 98-Series, and the insurance requirements of the Commission's General Order 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 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 shall be the date hereof since it would be in the public interest for applicant to institute the tour at the earliest possible date.

Dated MAR 17 1981, at San Francisco, California.

John E. Bryn  
President  
Richard W. ...  
...  
...  
Commissioners

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SECTION III, TOURS AUTHORIZED FROM LOS ANGELES AREA (Contd.) ✓

- 525 Greater Los Angeles Tour: This tour covers, by way of example, points of interest located within the Cities of Los Angeles, Burbank, Universal City, Pasadena, San Marino, Arcadia, Glendale, La Canada-Flintridge, South Pasadena, and Beverly Hills, and the unincorporated portions of Los Angeles County encompassed within the city limits of Los Angeles, such as the Los Angeles Civic Center, Dodger Stadium, Coliseum and Sports Arena, St. Vincent Church, St. Sophia's Cathedral, Farmers Market and Mann's Chinese Theatre, Beverly Hills Business District, West Hollywood Decorators & Antiques District, Glendale Forest Lawn, Pasadena Rose Bowl, California Institute of Technology, the San Marino, South Pasadena, and La Canada-Flintridge residential districts, the Arcadia-Los Angeles County Arboretum, Santa Anita Racetrack, California Institute of Technology Jet Propulsion Laboratory, and Descanso Gardens; provided, however, that operations within the City of Beverly Hills shall be restricted to the traversal of Santa Monica and Beverly Boulevards.
- 530 Newport Beach Shopping and Sightseeing: Leaving Los Angeles via the Cities of Anaheim, Orange, Santa Ana, Tustin, and Irvine to Newport Beach and return, viewing such points of interest as Disneyland, Anaheim Stadium, the University of California at Irvine, the Orange County Airport, Balboa Island, Beacon Bay, and the Balboa Bay Club, with stops en route for purposes of shopping at such points as Fashion Island (Newport Beach) and lunch at Lido Island.
- \*535 Newport Beach Harbor Cruise and Shopping Tour: Los Angeles to Newport Beach and return over the most appropriate and scenic routes, visiting en route such points of interest as Rogers Gardens, shopping areas, yacht marinas, Lido Village, and residential and scenic areas. This tour will additionally include a fully narrated cruise of Newport Harbor.

Issued by California Public Utilities Commission.

\*Added by Decision 92826, Application No. 60091.

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SECTION IV, NON-EXCLUSIVE PICKUP TERRITORIES, SAN DIEGO AREA ✓

- 600 Non-exclusive Pickup Territories: as used herein, shall be used for the tours specified in Section V of this certificate.
- 605 Coronado Territory: Coronado Territory includes that territory located within the city limits of the City of Coronado, California.
- 610 Palm Springs Territory: Palm Springs territory includes that territory located within the city limits of the City of Palm Springs, California.
- 615 San Diego Territory: San Diego Territory includes that territory located within the city limits of the City of San Diego, California.

Issued by California Public Utilities Commission.

\*Added by Decision 92826, Application No. 60091.