

ORIGINAL

Decision 93065 MAY 19 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application )  
of Pacific Mountain Adventures )  
for certificate of public con- )  
venience and necessity to operate )  
passenger service between points )  
within the State of California. )  
(Specific routes described within )  
body of application.) )

Application 60123  
(Filed December 4, 1980)

O P I N I O N

General Request

By this application Pacific Mountain Adventures, a California corporation, seeks authority from the Commission for a certificate of public convenience and necessity to establish a passenger stage corporation to provide guided camping tours within the State of California and other western states on an "on call" basis.

Discussion

The proposed tours and specific routes are described in Exhibit B of the application. Only two of the tours, Gold Country tour and Northern California tour, will be operated within California and require the Commission's authority. Applicant has filed with the Interstate Commerce Commission for authority to operate the interstate tours.

Accommodations will be at the national, state, and county camping facilities, and all necessary camping equipment will be provided by applicant. The proposed fares, rules, and regulations governing the services are set forth in Exhibit C of the application. Applicant proposes to initiate the service with a Dodge B 300 maxiwagon, having a seating capacity of 12 including the driver and guide.

Process  
TH-20

Applicant alleges that it has sufficient financial resources to provide the proposed services. A copy of the applicant's pro forma monthly financial statement, Exhibit E, is attached to the application.

The service applicant proposes is not strictly transportation. It will transport patrons, on an on-call basis (with a minimum of 8) in conjunction with camping in national, state, and county camping facilities or campgrounds. The camping activity will be overseen and organized by the tour guides, and applicant will furnish all camping equipment. The tour-camping excursions are of 8- to 21-day duration, in regions such as: Redwood Coast, Death Valley, Gold Country, etc. Rafting trips are part of some of the trip itineraries.

The service applicant proposes is principally that of outfitting and provisioning camping excursions, with heavy emphasis on natural and local history information by its guides. The transportation is ancillary to this primary service. Since the principal undertaking is organized camping trips, with incidental transportation between itinerary points, applicant does not hold itself out to the public as a passenger stage corporation. Accordingly, a passenger stage certificate is not required.

Our application of the primary business test here is akin to other holdings on what constitutes public utility service. For example, in Decision 89323, Case 10127 et al., issued September 6, 1978, we found that hotels and hospitals are not telephone utilities, although they provide telephone terminal equipment facilities, for a charge, that intertie with the telephones' network. Their provision of communications services are incidental to their main endeavors. The primary business test involves determining whether transportation is ancillary to another activity or an integral part of the overall endeavor. (W. H. Burke (1972) 74 CPUC 267, p. 274.) Here, moving ✓

patrons between points for camping, rafting, natural history orientation, etc., is only ancillary to the overall specialized service the applicant offers.

Findings of Fact

1. Applicant will, for compensation, take patrons on guided camping, nature, and historical interest orientation, and rafting trips.
2. Applicant's operation will be seasonal, and on an on-call basis, subject to a minimum number of patrons.
3. Applicant's primary business endeavor will be to offer guided camping trips and nature orientation, ancillary to that applicant will transport patrons between itinerary points.

Conclusions of Law

1. Applicant's proposed transportation service is incidental and ancillary to the primary business undertaking of conducting guided camping, rafting, and nature orientation outings, and is not public utility common carriage.
2. The application should be dismissed because the requested operating authority is not necessary.

O R D E R

IT IS ORDERED that Application 60123 is dismissed.

This order becomes effective 30 days from today.

Dated MAY 19 1987, at San Francisco, California.

John E. Boyer President  
Richard O. Thompson  
Samuel J. Smith  
Victor Cabre  
Patricia C. Green Commissioners