

T/vcp

Decision No. 93174 JUN 2 1981

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. }

ORIGINAL

Application No. 60095
 (Filed November 19, 1980)

OPINION AND ORDER

The Gray Line Tours Company (Gray Line), PSC-522, is a passenger stage corporation providing common carrier sightseeing service. Items 300 thru 535, et al of Appendix A to Decision No. 84749, as amended, set forth Gray Line's authority for tours originating in the City of Los Angeles. The carrier now proposes that a new Item No. 545, applicable to the Movieland Wax Museum in Buena Park, be added to its existing certificated authority as follows:

Movieland Wax Museum: Los Angeles to the Movieland Wax Museum in Buena Park and return over the most appropriate routes.

Applicant alleges that public convenience and necessity require the proposed service for the following reasons:

- (a) Tanner Motors Tours, Ltd. (Tanner), applicant's predecessor in interest, was the subject of a stock acquisition under circumstances wherein all of applicant's stock was transferred from Tanner interests and, coincidentally therewith, by Decision No. 84749, dated August 5, 1975, the Commission issued to applicant an in-lieu certificate restating theretofore issued sightseeing authorities. Subsequently, applicant's name was changed to its current appellation, The Gray Line Tours Company. Additional certificates have been issued in and by Decisions Nos. 85023, 87520, 87984, 91079, and 90241. Applicant

and Tanner have been performing a tour encompassing service to the Movieland Wax Museum located in Buena Park now for approximately twenty (20) years. However, a recent review by applicant of the certificated authority, as reissued pursuant to in-lieu Decision No. 84749, discloses that either such authority was inadvertently omitted from the in-lieu certificate or, in fact, applicant never held authority to provide such service.

- (b) As indicated above, the applicant and its predecessor have been providing service under the tour item proposed to be added to its present certificate for approximately 20 years. Insofar as current management is concerned Tanner and Gray Line held a good faith belief that both had the appropriate authority to render such service.
- (c) The tour has developed sufficient patronage to show that it would be in the best interests of the sightseeing public to continue the service.

Applicant proposes service rendered on a year-round, daily basis. The half-day tour will be offered at the fare rate of \$9.30 each adult and \$4.40 per child.

The rules governing service will be the same as those set forth for other tours originating in Los Angeles as described in the existing certificate issued in said Decision No. 84749.

Appendix C of the application is an equipment list identifying the passenger-carrying vehicles which applicant is presently using and which it proposes to use if granted the authority sought.

It is applicant's belief that no existing carrier presently engaged in sightseeing activities holds authority to perform the proposed service.

Gray Line alleges that the granting of its request will have no adverse effect upon the environment and that Gray Line is unaware of any common carrier which would be adversely affected by the granting of its application.

The application was duly noticed on the Commission's Daily Calendar on November 21, 1980. Copies of the application were served on the County of Los Angeles, The County of Orange, and the City of Buena Park.

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 protests have been 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

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.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to applicant, The Gray Line Tours Company, a corporation, authorizing it to extend operations as a passenger stage corporation, as set forth below.
2. Appendix A of Decision No. 84749, as heretofore amended, is further amended by incorporating Seventh Revised Page 6 and First Revised Page 23.1 attached hereto, canceling Sixth Revised Page 6 and Original Page 23.1, respectively.
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 is thirty days after the date hereof.

Dated JUN 2 1981, at San Francisco, California.

John E. Sigafoos
President
Richard D. Howell
Thomas W. ...
Victor ...

Commissioner Priscilla C. Grew, being necessarily absent, did not participate in the disposition of this proceeding.

T/vcp

Appendix A
(5.24749)

The Gray Line Tours Company
(a corporation)
(PSC-522)

First Revised Page 23.1
Cancels
Original Page 23.1

Item
No.

SECTION III. TOURS AUTHORIZED FROM LOS ANGELES AREA (continued)

*545 Movieland Wax Museum: Los Angeles to Movieland Wax Museum in Buena Park and return over the most appropriate routes.

SECTION IV. NONEXCLUSIVE PICKUP TERRITORIES, SAN DIEGO AREA

600 Nonexclusive 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 No. 93174, Application No. 60095.

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