

Decision 93345

JUL 22 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE GRAY LINE TOURS COMPANY for an extension of time in which to institute operations - Riverside and Santa Barbara Territories

Application 60287 (Filed February 23, 1981)

O P I N I O N

Gray Line Tours Company (Gray Line) is presently authorized to perform pickup service in connection with its certificated tour activities originating in Los Angeles in 25 defined nonexclusive pickup territories, including Riverside, Palm Springs, Santa Barbara, San Diego, and Coronado. Item 210 of Gray Line's certificate of public convenience and necessity (PSC-522) provides that in connection with the five identified pickup territories, authority to pick up and discharge passengers "shall lapse and terminate August 5, 1980 as to any of said pickup territories from which The Gray Line Tours Company is not then operating regularly scheduled pickup service for one or more of the tours set forth in Section III hereof." (Section III sets forth tours originating in the Los Angeles pickup territory.)

Gray Line alleges that it has consistently provided service out of the Palm Springs, San Diego, and Coronado territories. For a substantial period of time no such service has originated in either the Riverside or Santa Barbara territory. Gray Line further alleges that due to the death of two key personnel in the ensuing period, preliminary plans to institute operations out of Riverside and Santa Barbara territories never materialized.

By this application, Gray Line is requesting an extension of time within which it may institute operations out of its Riverside and Santa Barbara territories. Gray Line believes that within the ensuing two years it will be in a position to determine whether a need exists for the institution of tours out of these territories.

The application was duly noticed on the Commission's Daily Calendar. Copies of the application were served on the Cities of Riverside and Santa Barbara.

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.

We put Gray Line on notice that should another carrier propose service over the route covered by this extension it may have difficulty asserting PU Code Section 1032 as a barrier to another qualified entrant. Essentially Gray Line is holding unused operating authority, and we will be reluctant to grant another extension (see D.89804, issued December 19, 1978, in C.10601, Kadletz vs. Gray Line).

Findings of Fact

1. Gray Line's authority to serve the Riverside and Santa Barbara territories has expired.
2. Gray Line requests authority for extension of time to serve the Santa Barbara and Riverside territories.
3. No protests to the application have been received.
4. 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.
5. A public hearing is not necessary.

Conclusion of Law

It is concluded that the request of Gray Line for extension of time to serve the Santa Barbara and Riverside territories should be granted 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:

Appendix A of Decision 84749, as amended, is further amended by replacing Original Page 12.1 with First Revised Page 12.1 (attached).

This order becomes effective 30 days from today.

Dated JUL 22 1981, at San Francisco, California.

John E. Geyer
President
Richard D. Gault
James W. Gault
Victor C. Gault
Presidents & Commissioners
Commissioners

T/am

Appendix A
(D-84749)

THE GRAY LINE TOURS COMPANY
(a corporation)
(PSC-522)

First Revised Page 12.1
Cancels
Original Page 12.1

Item
No.

SECTION II, Non-exclusive Pickup Territories (Contd.)

210 (Contd.)

to pickup and discharge passengers in the Riverside, Palm Springs, Santa Barbara, San Diego, and Coronado Territories (Items 190, 195, 200, and 207), shall lapse and terminate #on December 31, 1982 as to any of said pickup territories from which the Gray Line Tours Company is not then operating regularly scheduled pickup service for one or more of the tours set forth in Section III hereof.

Issued by California Public Utilities Commission.

#Changed by Decision 93345, Application 60287.