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ORIGINAL

Decision 93666 OCT. 20 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
on the Commission's own Motion into)
the Operations of O.K. Tours dba)
WESTERN SIGHTSEEING SPECIALISTS,)
INC. under Charter Party Carrier of)
Passengers Permit No. TCP 678-P and)
Order to Show Cause re Contempt)

FILED

PUBLIC UTILITIES COMMISSION

OCT 20 1981

SAN FRANCISCO OFFICE

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ORIGINAL

THE GRAYLINE, INC., a California Corporation,

Complainant,

vs.

O.K. Tours,

Defendant.

Case 10387
(Filed August 2, 1977)

CALIFORNIA PARLOR CAR TOURS COMPANY, a California Corporation,

Complainant,

vs.

O.K. Tours,

Defendant.

Case 10391
(Filed August 10, 1977)

ORDER TO SHOW CAUSE RE CONTEMPT (Resolution PE-303 in TCP 678-P);
ORDER TO SHOW CAUSE RE CONTEMPT (Decision 89598 in CASES 10387 & 10391);
AND NOTICE OF CONSOLIDATED HEARINGS THEREON

Pursuant to Resolution PE-303, adopted July 29, 1975, this Commission most recently granted O.K. Tours dba WESTERN SIGHTSEEING SPECIALISTS, INC. (hereinafter "Western") renewed charter party carrier authority [P.U. Code §5384(b)], effective June 1, 1980 to June 1, 1981 (TCP 678-P). The Commission then suspended Western's charter party carrier authority on January 27, 1981, due to nonrenewal of public liability and property damage insurance (G.O. 115-B). Western's charter

party carrier authority expired by its terms on June 1, 1981, and the Commission has not granted renewal of this authority to date.

On October 31, 1978, (Decision 89598) in connection with the above-captioned Complaints of THE GRAY LINE, INC. (hereinafter "Gray Line") (Case 10387) and CALIFORNIA PARLOR CAR TOURS COMPANY (Case 10391), this Commission determined that O.K. Tours was operating as a passenger stage corporation within the definition of P.U. Code §226 and ordered O.K. Tours to cease and desist from operating without benefit of the requisite certificate of public convenience and necessity (P.U. Code §1031). The cease and desist order was personally served upon Edward Flynn, President of O.K. Tours, on November 3, 1978. On September 30, 1981, Gray Line filed a verified Petition for Order to Show Cause in Cases 10387 and 10391, with Exhibits A and B attached, alleging that, from October 31, 1978 to and including the present, O.K. Tours has violated the Commission's cease and desist order (D.89598) by continuing to operate as a passenger stage corporation without benefit of a certificate of public convenience and necessity.

Upon review and consideration of the Affidavit of Moira H. Simmerson in the matter of TCP 678-P, attached hereto, and the Affidavit of Janice K. Louie in Cases 10387 and 10391, attached hereto, and good cause appearing therefor,

IT IS HEREBY ORDERED that Western Sightseeing Specialists, Inc. a charter party carrier of passengers subject to the rules and regulations of the Public Utilities Commission of the State of California, appear and show cause before Administrative Law Judge Burt E. Banks, in the Commission Courtroom, 350 McAllister Street, San Francisco, California on November 20, 1981, at 9:30 a.m., if any cause there be, why it should not be adjudged in contempt of this Commission's directive, in the matter of TCP 678-P, issued pursuant to Resolution PE-303, suspending it from operating as a charter-party carrier of passengers, effective January 27, 1981.

IT IS FURTHER ORDERED that Western Sightseeing Specialists, Inc., further appear and show cause at the aforementioned time and place if any cause there be, why the Commission should not (1) punish for such contempt as it may find by fining Western as described in Public

Utilities Code Section 2113 and/or by imprisoning Western's corporate officers, having notice of the January 27, 1981 directive, until Western ceases operating as a charter party carrier, without Commission authority, or (ii) pursue such other and additional remedies as may be appropriate.

IT IS FURTHER ORDERED that Edward Flynn, dba O.K. Tours, O.K. Limousine Service, L.F. Travel Tours, Inc., and San Francisco Your Way, appear and show cause before Administrative Law Judge Burt E. Banks, in the Commission Courtroom, 350 McAllister Street, San Francisco, California, on November 20, 1981, at 9:30 a.m., if any cause there be, why he should not be adjudged in contempt of the decision and order of this Commission made on October 31, 1978, in Cases 10387 and 10391, to wit, Decision 89598.

IT IS FURTHER ORDERED that Edward Flynn, dba O.K. Tours, O.K. Limousine Service, L.F. Travel Tours, Inc., and San Francisco Your Way, further appear and show cause at the aforementioned time and place, if any cause there be, why the Commission should not (i) punish for such contempt as it may find by fining said Edward Flynn as described in Public Utilities Code Section 2113, and/or by imprisoning of Edward Flynn until said Edward Flynn ceases operating under the fictitious names noted in this ordering paragraph, or any other fictitious names, as a passenger stage corporation without the requisite certificate, in contravention of Decision 89598, or (ii) pursue such other and additional remedies as may be appropriate.

IT IS FURTHER ORDERED that the contempt proceedings in connection with TCP 678-P (Resolution PE-303) be consolidated with the contempt proceedings in connection with Cases 10387 and 10391 (Decision 89598), since these proceedings involve related issues of law and fact.

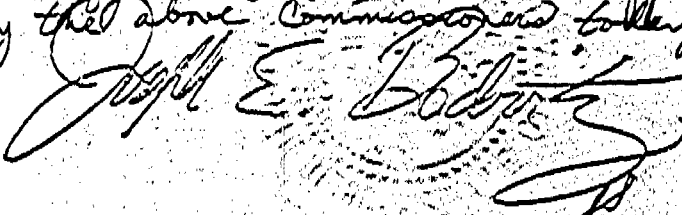
Petitioner Gray Line is placed on notice that the Commission expects Gray Line to present evidence in these consolidated proceedings substantiating the allegations contained in the verified petition filed on September 30, 1981, in Cases 10387 and 10391.

The Executive Director is further directed to cause a true copy of (i) this order and the Affidavit of Moira H. Simmerson attached hereto, and (ii) a copy of Gray Line's verified Petition for Order to Show Cause filed September 30, 1981, and the Affidavit of Janice K. Louie, in support thereof and attached hereto, to be personally served upon Western Sightseeing Specialists, Inc., and Edward Flynn.

If Western Sightseeing Specialists, Inc., and or Edward Flynn dba O.K. Tours, or O.K. Limousine Service, or any of them, are presently providing charter party carrier service without public liability and property damage insurance, they shall immediately cease and desist from so operating.

The effective date of this order is the date hereof.
Dated OCT 20 1981 , at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CAEVO
PRISCILLA C. CREW
Commissioners

I certify that this decision was approved by the above Commissioners to the following:


BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of O.K. Tours dba WESTERN SIGHT-)
SEEING SPECIALISTS, INC. for)
Charter Party Carrier of)
Passengers Permit.)

TCP 678-P
(Filed March 22, 1976)

AFFIDAVIT OF MOIRA H. SIMMERSON

STATE OF CALIFORNIA)

County of Alameda)

ss.

Moira H. Simmerson, being first duly sworn, deposes and says:

That she is employed as a Transportation Analyst by the Public Utilities Commission of the State of California (hereinafter "Commission"), with business address at 1111 Jackson Street, Oakland, California 94607.

That in the course and scope of her duties with the Commission, she has investigated the tour operations of O.K. Tours (also known as O.K. Tours and Travel, O.K. Limousine Service and San Francisco Your Way) and has reviewed relevant Commission records in connection therewith; said investigation and review indicates the following:

That on or about May 8, 1980, Martin Franklin, Vice President of Western Sightseeing Specialists, Inc. (hereinafter "Western") filed an Application with the Commission on behalf of O.K. Tours dba Western Sightseeing Specialists, Inc., requesting renewal of Charter Party Carrier of Passenger Permit TCP 678-P. Said Application listed Edward Flynn as President and Mrs. Anna Franklin as Secretary/Treasurer of Western.

That pursuant to the terms and guidelines of Resolution No. PE-303 (adopted July 29, 1975) the Commission thereafter renewed Western's Permit to Operate as a Charter-Party Carrier of Passengers (TCP 678-P) to be effective from June 1, 1980 to June 1, 1981.

That on January 27, 1981, pursuant to the terms and guidelines of Resolution No. PE-303, the Commission notified Western that its Charter Party Carrier Authority (TCP 678-P) had been suspended, effective immediately, due to nonrenewal of Public Liability and Property Damage insurance.

That Western's Application for Renewal of Charter Party Carrier of Passengers Permit (TCP 678-P), filed with the Commission on or about March 25, 1981, has not been approved due to Western's failure to submit a certificate of PL & PD insurance.

That Western's suspension continued in effect until June 1, 1981, when Western's charter party carrier authority expired, pursuant to its terms.

That on or about July 3, 1981, affiant made tour arrangements by telephone with "San Francisco Your Way" which is also known as "O.K. Tours and Travel."

That prior to the commencement of the tour, on Tuesday, July 7, 1971, a gentleman in the O.K. Tours Office (located at 726 Sutter Street, San Francisco) reduced her fare (ostensibly due to an error in booking the time of the tour) thereafter signing the receipt "Flynn".

That she then accompanied eight other passengers and a driver named Willie in a Chevrolet van, (California License No. 1U93355)

from 726 Sutter Street, San Francisco to Marin County (Muir Woods and Sausalito) and return to San Francisco.

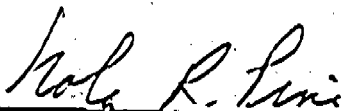
That she subsequently checked Department of Motor Vehicles records and ascertained that the van (California License No. 1U93355) used for the June 7, 1981 tour is registered to Edward Flynn, doing business as O.K. Limousine Service.

That during this investigation she personally observed that O.K. Tours operates more than one vehicle; picks up and delivers passengers to other cities as well as San Francisco; operates a passenger tour from San Francisco to points out of San Francisco; and operates the San Francisco to Muir Woods/Sausalito tour daily.

WHEREFORE, an order of the Commission is sought holding said WESTERN SIGHTSEEING SPECIALISTS, INC., in contempt of the Commission's suspension directive dated January 27, 1981, issued pursuant to Resolution No. PE-303.


Moira H. Simmerson

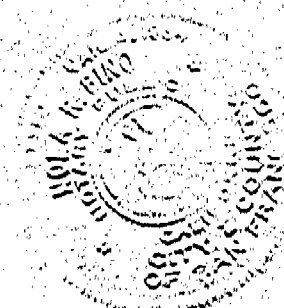
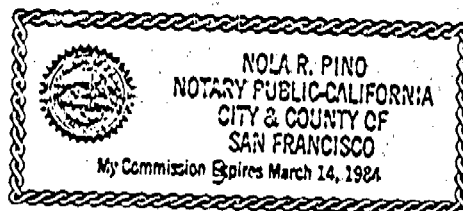
Subscribed and sworn to before me
this 15th day of October, 1981.



~~Notary Public~~

Notary Public in and for the
City and County of San Francisco
State of California

My Commission expires:



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

THE GRAY LINE, INC., a
California corporation,

Complainant,

vs.

O.K. TOURS,

Defendant,

Case No. 10387
(Filed August 2, 1977)

CALIFORNIA PARLOR CAR TOURS
COMPANY, a California
corporation,

Complainant,

vs.

O.K. TOURS,

Defendant.

Case No. 10391
(Filed August 10, 1977)

AFFIDAVIT OF JANICE K. LOUIE

STATE OF CALIFORNIA)

City and County of San Francisco)

ss.

Janice K. Louie, being first duly sworn, deposes and says:

That on October 9, 1981, she purchased a city tour with L. F. Travel Tours from the Regent Hotel, paying a deposit of \$3.25 to the desk clerk for an individual tour.

That attached hereto as Exhibit A is the Reservation Coupon reflecting the above transaction.

That also attached hereto as Exhibit B is a "San Francisco Your Way" brochure given to her during the course of the above transaction.

Janice K. Louie
Janice K. Louie

Subscribed and sworn before me
this 9th day of October, 1981.

Leona Fong
Leona Fong

Notary Public in and for the
City and County of San Francisco
State of California

My Commission expires: 8-23-85

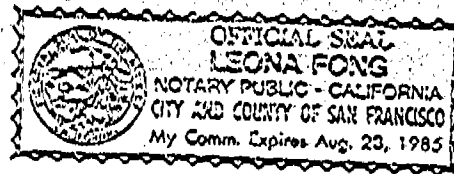




EXHIBIT A

RESERVATION COUPON

752 Sutter St.
San Francisco, CA 94109
(415) 885-1671

NAME JANICE LOUIE

HOTEL Hotel Regent ROOM # ---

TOUR CITY TOUR DELUXE DATE 10/2/81

TIME ~~10:30~~ 2:30 P.M.

*Pick-Up is 15-30 mins. Prior TOUR

NO. IN PARTY 1

COST 10⁰⁰

DEPOSIT 3²⁵

BALANCE 6⁷⁵

AGENT B. DEONN

EXHIBIT B

FOR RESERVATIONS
SEE FRONT DESK

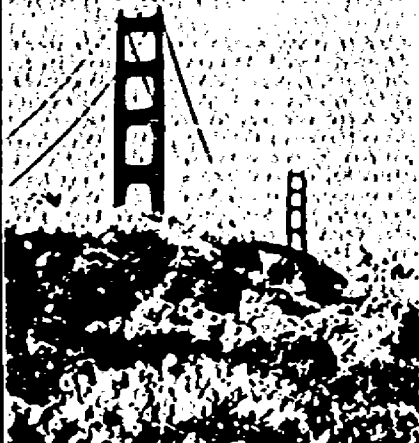
San Francisco



Your Way

PERSONALIZED TOUR

SAN FRANCISCO
AND BAY AREA



RESERVATIONS & INFORMATION

CONDITIONS

San Francisco Your Way Tours acts as an organizer/broker for these tours. Our Company uses PUC Charter Party Carriers, and as such, these tours are with fully insured vehicles that meet with PUC specifications. All prices are based on the time and mileage factors, NOT a per capita or per person charge.

Further please note that San Francisco Your Way Tours merely organizes charters. The prices shown represent the equivalent per person break down only if a full charter is organized. If a charter is not organized your money will be completely refunded.

BI-LINGUAL GUIDES

UPON

REQUEST COURTESY PICK-UP

DON'T FORGET YOUR CAMERA!

SAN FRANCISCO
YOUR WAY

L.F. TRAVEL

726 Sutter Street
San Francisco, CA 94109

24 hours

FOR RESERVATIONS
SEE FRONT DESK

CITY TOUR DELUXE

APPROX. 3 1/2 Hours

DEPARTURES

10 AM & 2:30 PM

ADULTS \$10.00
Children Under 12 \$8.00

Charter Price — \$100.00

Groups are arranged from 1 to 10

Everyone is invited to join our Charter Group

DELUXE SPECIAL TOUR

San Francisco is incredible! So is our popular City Tour Deluxe. On this tour you will see all of the very famous landmarks. You will see Nob Hill, Chinatown and North Beach. You will pass through the very center of downtown, Union Square and the Theater District. After exploring the Barbary Coast and Financial districts you will visit the extraordinary St. Mary's Cathedral. Mission Dolores will be included as will our beautiful Civic Center. From Twin Peaks you'll see everything. After touring the Haight Ashbury you'll see Golden Gate Park, the serene Japanese Tea Garden. The tour proceeds to the ocean where you'll see the world famous Cliff House and Seal Rocks. The Palace of the Legion of Honor, Sea Cliff, and the Presidio will be seen on route to the Golden Gate Bridge. You'll cross the bridge and view from the lookout point. Back in the City, you'll head for the crookedest street in the world, and then to Little Italy. Russian Hill you'll have a fantastic view of the infamous called Alcatraz. Also you will see Coit Tower, the Palace of Fine Arts, the Marina and much more. The tour concludes at Fisherman's Wharf, only after you've seen Ghirardelli Square, and the \$50 Million Dollar Pier 39. You'll have the option of dropping off at the Wharf or returning to your hotel.

PRIVATE LUXURY LIMOUSINE TOURS

CITY TOUR — 3 HOURS \$90.00

MUIR WOODS/SAUSALITO — 3 HOURS \$90.00

TOURS TO ALL AREAS AS ARRANGED
FOREIGN-SPEAKING GUIDES AVAILABLE

MUIR WOODS

MUIR WOODS / SAUSALITO

08.15 AM/10

Featuring the Giant Redwood Trees
and Charming Artist's Colony of Sausalito

APPROX. 3 1/2 Hours

DEPARTURES

Daily at

10:00 AM & 2:30 PM

ADULTS \$10.50
Children Under 12 \$8.50

Charter Price — \$105.00

Groups are arranged from 1 to 10

Everyone is invited to join our Charter Group

Entrance to Park Included

See San Francisco as you cross the spectacular Golden Gate Bridge and arrive in Marin County. Your drive will take you through small, charming village-towns, past rolling, orange hills into the beautiful Muir Woods National Park. This stupendous stand of redwood trees is beautifully situated in the heart of the redwood forest above the Pacific Ocean. Walk its many trails and enjoy many species of flora, wildlife and gentle streams. During your visit to Muir Woods, we proceed to Sausalito on the edge of the San Francisco Bay. This charming bayside town is reminiscent of many mediterranean towns. It is filled with quaint shops, elegant boutiques, art galleries and delightful boites for a refreshing drink.

SUPER TOUR

(Tour #1 and Tour #2 Combined)

SAVE \$1.50

3 TOURS IN ONE
City, and Muir Wood/Sausalito

APPROX. 8 Hours

Departures

Day at 10:00 A.M.

Adults \$19.00
Children under 12 \$15.00

So many visitors take both the San Francisco & Muir Woods/Sausalito tours that we have combined them and call it our "Super" Tour.

Charter Price - \$180.00

Groups are arranged from 1 to 10
Everyone is invited to join our Charter Group

Entrance to Park Included



Napa Valley WINE COUNTRY TOUR

APPROX. 8 Hours

Operates Every Day of the Week
Reservations Required

DEPARTURE - 9 AM

Information & Reservations
885-1671 - 24 Hours a day

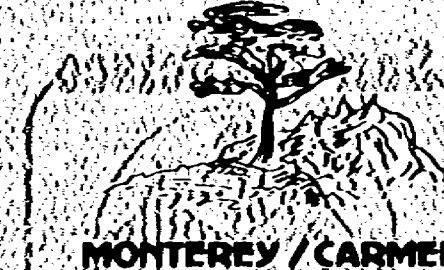
ADULTS (With Lunch) \$24.00
Children under 12 (With Lunch) \$15.00
ADULTS (Without Lunch) \$22.00
Children Under 12 (Without Lunch) \$12.00

Charter Price - \$240.00

Groups are arranged from 1 to 10
Everyone is invited to join our Charter Group

NAPA VALLEY WINE COUNTRY is the home of California's Premium Wines. On your visit to the wine country we drive through lovely Marin County into the softly verdant Valley of the Moon. This is Jack London Country, the home of the Silverado Trail and the home of General Vallejo - an important Early California figure. Along the way you will see many vineyards, which produce the grapes for these top wines. You will visit several of the top wineries and have a chance to taste them as well as buy some to take home. The wineries are designed after many European vineyards with villas and mansions, also the longest underground cave system outside of France. Luncheon is included in the price of the tour.

MONTEREY / CARMEL



MONTEREY / CARMEL

APPROX. 10 Hours

Operates Every Day of the Week
Reservations Required

Departure - 8 AM

ADULTS (With Lunch) \$30.00
Children under 12 (With Lunch) \$16.00
ADULTS (Without Lunch) \$25.00
Children under 12 (Without Lunch) \$14.00

Charter Price - \$300.00

Groups are arranged from 1 to 10
Everyone is invited to join our Charter Group

This trip takes you along the most beautiful coastal drive in the world - Hwy 1. This drive curves along the beautiful Pacific Ocean, through the Victorian town of Santa Cruz, small fishing villages and into the artichoke capital of the world. A rest stop provides fresh California breezes before a visit to Monterey's Fisherman's Wharf. This was once the largest port for sardine fishing. After a lunch overlooking Monterey Bay we travel back in time and visit John S. Beck's immortal "Cannery Row" (now a shoppers paradise). Old canneries have been converted into exciting shopping arcades. Enjoy the beautiful 17 Mile Drive of Del Monte Forest, postcard rocks, fabulous mansions, wind swept trees, herds of deer and world renowned golf courses. Stop at Carmel Mission, one of 26 along the El Camino Real. Shop for treasures in cobble-stoned Carmel, a village reminiscent of New England. Return to San Francisco via Hwy 101. Luncheon and entrance to 17 Mile Drive is included in the price of the tour.

RESERVATIONS & INFORMATION

24 Hour Service



YOSEMITE

One of the Most Outstanding National Parks

APPROX. 13 Hours

Operates Every Day of the Week
Reservations Required

DEPARTURE - 7 AM

ADULTS (With Lunch) \$42.00
Children under 12 (With Lunch) \$32.00
ADULTS (Without Lunch) \$36.00
Children under 12 (Without Lunch) \$25.00

Charter Price - \$450.00

Groups are arranged from 1 to 10
Everyone is invited to join our Charter Group

Visit Yosemite National Park, the "Crown Jewel" of the National Park System. Yosemite is a living paradise of sparkling streams, cascading waterfalls, the home of Half Dome - one of the most difficult mountaineering feats in the U.S. - living glaciers, the beautiful Sierra Nevada Mountains and along the park, lush forests dominate the land, wildlife abounds - but, mind the cute bears! Lunch in Yosemite Valley before going on a tour of the Valley floor. Visit the Indian Village and see how the Indians lived in Redwood trees and still perform their crafts of basket-weaving. The beautiful park was discovered by goldminers during the days of the 49ers but soon became a haunt of presidents, social scenes and other famous people. The Anselme Hotel was designated a National Landmark in 1977.

Luncheon is included in the price of the tour.

RESERVATIONS MANDATORY

Tour operates January 15th to December 15th

FOR RESERVATIONS
CALL FRONT DESK