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ORIGINAL

Decision \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application )  
of JOY-TAK INC. for a Certificate )  
of Public Convenience and )  
Necessity authorizing the )  
Applicant to operate a Passenger )  
Stage service, with golf tours )  
available to Japanese tourists )  
on a per capita basis between )  
points in San Francisco, Marin )  
County and San Mateo County, )  
pursuant to the provisions of )  
Section 1031 et seq. of the )  
Public Utilities Code of the )  
State of California. )

Application 60835  
(Filed August 21, 1981)

O P I N I O N

By this application Joy-Tak, Inc. (Joy-Tak) requests a certificate of public convenience and necessity to operate as a passenger stage corporation under Public Utilities (PU) Code Sections 1031 et seq.

Proposed Service

Joy-Tak would offer tours for Japanese tourists to four different golf courses in the Bay Area, those being: Harding Park in San Francisco, Lincoln Park in San Francisco, Peacock Gap in San Rafael, and Crystal Springs in San Mateo County. Joy-Tak would pick up customers at hotels in downtown San Francisco and proceed directly to golf courses, with no stops. Service would be offered year-round Monday through Sunday. The tours would begin about 8:00 in the morning and conclude in the late afternoon. Advance reservations would be required.

Joy-Tak would assess a fare of \$65 per person. For this charge the following services would be provided: Pick up at the hotel; transportation to the golf course; transportation on the golf course (golf carts); furnishing of a Japanese-speaking driver and/or guide; assistance with check-in at the golf course; furnishing of necessary golf clubs; and payment of green fees.

Joy-Tak proposes to use in this service the vehicles already operated under authority of its charter-party certificate. This equipment consists of a 1979 Cadillac Limousine, a 1979 Dodge Sportsman Van, and two 1978 Dodge Sportsman Vans.

All Japanese-speaking drivers and guides will be proficient in English. The tour would not provide any sightseeing stops on the way to the golf course, and therefore Joy-Tak believes it will not be in direct competition with any companies who now offer sightseeing services along similar routes. As far as Joy-Tak is aware, the proposed service is not offered by any other company in the Bay Area. For the past six years Joy-Tak has been engaged in providing transportation for Japanese tourists in and around the Bay Area under authority of its charter-party certificate. Joy-Tak has already discussed and made arrangements for the service with golf courses. The tours can start as soon as the Commission has acted on this application.

#### Discussion

Were we to issue a certificate in this proceeding, we would not restrict the authority to the transportation of Japanese tourists. The proposed service, if performed as a passenger stage corporation, must be available to the general public regardless of ethnicity or any other condition; this is the essence of common carriage.

However, we do not believe, from the facts alleged in the application, that the total service Joy-Tak will provide adds up to public utility common carriage. The service will be highly specialized, designed to attract exclusively (a) Japanese tourists, (b) who do not speak or have difficulty with the English language, and (c) who are interested in availing themselves of the complete package offered by Joy-Tak.

Information determined by the administrative law judge assigned to this proceeding and in a letter received from Joy-Tak dated September 4, 1981 developed the following:

1. Green fees range from \$10 to \$15 at the four golf courses, depending upon weekday or weekend use.
2. Club rental costs vary between \$10 and \$15.
3. Golf carts cost about \$14 (for two people).
4. Joy-Tak would pay its drivers/guides about \$6.75 per hour. The drivers will stay with the customers at the golf course the entire time the customers are there. In most cases this will probably be from six to eight hours.

Using an average club rental fee of \$12 per person, a golf cart fee of \$7 per person, green fees of \$12 per person, and a figure of between \$5 and \$10 per person for check-in assistance, interpreting and help on the green, it appears that the predominant portion of the \$65 fare is for services not involving transportation. In Decision (D.) 93066 dated May 19, 1981 in Application (A.) 60123, we dismissed the request of Pacific Mountain Adventures (PMA) for a certificate of public convenience and necessity to operate a passenger stage service. There, PMA desired to provide guided camping tours within California on an on-call basis. Service by PMA is provided in a 12-passenger vehicle, including the driver and guide. The camping activity is overseen and organized by the tour guides and PMA furnishes all camping

equipment. We held that the service PMA proposed is principally that of outfitting and provisioning camping excursions and that the transportation is ancillary to that primary service. We found in D.93066 that PMA's primary business endeavor would be the offering of guided camping trips and nature orientations and that the transportation performed would be incidental to the primary business.

It appears to us a similar conclusion can reasonably be reached in this application. The dominant portion of the proposed \$65 fare goes to the providing of clubs, carts, fees, interpretation, and assistance in checking in and assistance on the golf course. It appears that Joy-Tak's primary business would be providing golfing excursions, and not transportation. This is so notwithstanding the fact that Joy-Tak already possesses from this Commission authority to perform transportation services as a charter-party carrier.

Transportation costs usually increase with distance. We believe it is significant in this proceeding that the fare for the proposed service is the same, regardless of whether customers elect to visit one of the nearer courses or one considerably more distant.

#### Findings of Fact

1. Joy-Tak proposes, for compensation, to take Japanese tourists on golfing excursions from hotels in downtown San Francisco to golf courses located in the Bay Area.

2. Joy-Tak will charge \$65 per person for the above service. The predominant portion of this charge will be to cover expenses other than transportation expenses. This \$65 fare will apply to all courses, regardless of distance from downtown San Francisco.

3. Joy-Tak's primary business in performing the proposed service will be providing golfing tours. The transportation service will be incidental to the primary business.

17-19

Conclusions of Law

1. Joy-Tak's primary business of providing golfing excursions will not be public utility common carriage, and will not be subject to the jurisdiction of this Commission.

2. This application should be dismissed because the requested operating authority is not necessary.

O R D E R

IT IS ORDERED that A.60835 is dismissed.

This order becomes effective 30 days from today.

Dated NOV 3 1981, at San Francisco, California.

JOHN E. BRISON  
President  
RICHARD D. GRAVELLE  
LESLIE M. GRIMES, JR.  
VICTOR GALVO  
PRISCILLA C. GREW  
Commissioners

*I certify that this Decision was approved  
by the above Commissioners today.*

*John E. Brison*

*[Signature]*