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ORIGINAL

Decision No. 93744 NOV 13 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

THE GRAY LINE, INC.,
Complainant,

vs.

RONALD H. DAVIS, dba MAXI
TOURS, dba MINI CHARTER,
Defendant.

Case No. 10386
(Filed August 2, 1977)

In the Matter of the Application of
RONALD H. DAVIS and JAMES C. FULTON,
doing business as MINI CHARTER, for
certificate of public convenience
and necessity to operate as a
passenger stage corporation for
sightseeing service in San Francisco
and Marin County from the following
cities in Marin County: San Rafael
(Terra Linda), Greenbrae, Larkspur,
Corte Madera, Mill Valley, Tiburon
and Sausalito.

Application No. 57412
(Filed June 30, 1977)

In the Matter of the Application of
RONALD H. DAVIS and JAMES C. FULTON,
doing business as MINI CHARTER, for
certificate of public convenience
and necessity to operate as a
passenger stage corporation for
sightseeing service in San Francisco
from the following cities in Alameda
County: Oakland, Emeryville and
Berkeley.

Application No. 57416
(Filed June 30, 1977)

In the Matter of the Application of
Ronald H. Davis, doing business as
MINI CHARTER, for Certificate of
Public Convenience and Necessity
to operate as a passenger stage
corporation for sightseeing service
in San Francisco County.

Application No. 57620
(Filed October 12, 1977)

Dennis Natali, Attorney at Law, for Ronald Davis, applicant in A.57412, A.57416, and A.57620 and defendant in C.10386.
Richard M. Hannon, Attorney at Law, for The Gray Line, Inc., protestant in A.57416 and A.57620 and complainant in C.10386.
Ruth Margolies, for CT&E Travel Corp., protestant in A.57416, and Silver, Rosen, Fischer & Greene, by John Paul Fischer, Attorney at Law, for A. C. Cal Spanish Tours, protestant in A.57412, A.57416, and A.57620.
Eldon M. Johnson, Attorney at Law, for Golden Gate Sightseeing Tours, Inc., and Sequoia Stages, and James S. Clapp, Attorney at Law, for O'Connor Limousine Service, Inc., interested parties in A.57620.
R. O. Collins, for the Commission staff.

O P I N I O N

By the above three applications, Ronald H. Davis (Davis), doing business as Mini Charter, seeks authority to provide various passenger stage corporation sightseeing services. James C. Fulton, the co-applicant in Applications Nos. 57412 and 57416, advised the Commission by letter dated August 24, 1977 that he was no longer associated with Davis or interested in the two applications. Motions were filed in each of these applications on September 15, 1977 setting forth the same information. Applications Nos. 57412 and 57416 are now considered the applications of Davis only.

Davis holds a permit to operate as a charter-party carrier of passengers (TCP 730-P). By Decision No. 87001 dated February 23, 1977 in Application No. 57014 he was granted a certificate of public convenience and necessity to transport passengers in sightseeing service between the Holiday Inn in San Rafael, the Edgewater Inn in Corte Madera, the Tiburon Lodge in Tiburon, and the Howard Johnson's Motor Lodge in Marin City, on the one hand, and, on the other hand, points of interest in San Francisco, such as the

Palace of Fine Arts, Fisherman's Wharf, Coit Tower, Chinatown, Nob Hill, Civic Center, Twin Peaks, Golden Gate Park, Cliff House, and the Presidio.

By Application No. 57412, Davis seeks an amendment of his present certificate to include pickup services at 22 additional Marin County hotels and motels and to include an additional Muir Woods Tour. Service is to be provided in 15-passenger minibuses, including driver.

By Application No. 57416, Davis seeks authority to provide passenger bus sightseeing tours between 15 hotels and motels in the Oakland, Emeryville, and Berkeley area and points of interest in San Francisco, including crossing the Golden Gate Bridge. Equipment to be used is 15-passenger minibuses.

By Application No. 57620, Davis seeks authority to provide the following passenger bus sightseeing tours from hotels, motels, and other places in San Francisco:

1. San Francisco, including the headlands across the Golden Gate Bridge.
2. Muir Woods.
3. Wine Country.
4. Monterey-Carmel area.
5. Combination San Francisco-Muir Woods tour.
6. San Francisco night tour.

Service would be on-call in radio dispatched 15-passenger minibuses.

In its complaint in Case No. 10386 against Davis, doing business as Maxi Tours and as Mini Charter, The Gray Line, Inc. (Gray Line) states that it has the requisite authority from the Commission to transport passengers in sightseeing and pleasure tour service within San Francisco as well as to various points of interest outside of San Francisco. Complainant alleges as follows:

1. Defendant's sole common carrier passenger stage authority is that authorizing sightseeing service to San Francisco from Marin hotels and motels set forth in Decision No. 87001.
2. Defendant is offering, advertising, soliciting, and providing sightseeing service in San Francisco on an individual fare basis between fixed termini without the required certificate in violation of Section 1031 of the Public Utilities Code (Code).
3. Irreparable harm will result to the complainant and the public if defendant is permitted to continue this unauthorized service. Members of the public may be diverted away from complainant's lawful service resulting in financial damage to it. The public is damaged because defendant's fares are higher than complainant's.

Complainant requests that defendant, or anyone acting in concert with defendant, be ordered to cease and desist from offering, advertising, or performing the described unauthorized sightseeing service and for such further relief as may be necessary.

In his answer to the complaint filed October 7, 1977, defendant denied all allegations therein regarding him and requested that the sought relief be denied.

The four matters were heard on a consolidated record before Administrative Law Judge Arthur Mooney in San Francisco between May and September 1978. The proceeding was submitted upon the filing of briefs on January 23, 1979.

A Petition to Set Aside Submission and Reopen Proceeding for Taking Additional Evidence, or in Alternative Petition to Accept Late-filed Exhibit 55 was filed by Gray Line on February 14, 1979. ✓
The request referred to a letter and printed statement by an individual who had been penalized for illegal sightseeing bus

operations. The letter and statement stated that illegal operators rarely fulfill their responsibility to customers, are a hazard to the public, do not file insurance with the Commission, and encourage disrespect of the Commission. We have reviewed the documents and they are a part of the formal file in this proceeding. There is no purpose in reopening the proceeding or receiving the documents in evidence. The petition is denied.

Prior to the taking of evidence, the following four motions were made by the attorney for Davis:

1. Amend Application No. 57620 (tours originating in San Francisco) to remove the minibus restriction to allow larger equipment. This was denied because no notice of this was provided to large bus operators who might have protested without the equipment size limitation.
2. Amend all applications to remove any restrictions regarding the number of units of equipment (minibus) that could be used in providing the service if authorized. This motion was granted. There were no serious objections to it.
3. Request for jury trial because the Code provides for possible monetary penalties and/or jail (Secs. 2112, etc.) if his client is found guilty in complaint matter. This was denied on basis of well-established rule that administrative proceedings are not criminal in nature and that although penalties may be involved, the denial of a jury trial does not violate any constitutional or other legal rights a party might have. In any event, we will consider only the cease and desist request in the complaint and not whether monetary penalties or a jail sentence should be imposed on defendant.
4. Dismiss the complaint for failure to state a cause of action or any other legitimate reason. In accordance with Commission procedure, the Administrative Law Judge took the motion under submission and stated that he would recommend to the Commission that it be denied. We agree with him. The complaint does state a cause of action, and the motion to dismiss is denied.

While much of the evidence does apply to all four matters, it was generally agreed by all parties at the outset of the hearing that evidence primarily concerned with the complaint would be taken first followed by evidence primarily concerned with the three applications. This is the procedure that was followed. However, as-stated, there is some degree of crossover in the evidence presented in all of these different matters. For example, the issue of fitness raised in the complaint obviously is one of the issues considered in an application for a sightseeing passenger stage certificate.

We will, therefore, first summarize the evidence relating primarily to the complaint, and then that relating primarily to the three applications. This will be followed by a discussion, findings, conclusion, and order relating to all matters.

Complaint

Gray Line presented only two witnesses in the complaint phase of the proceeding. Both were employees of the Pinkerton Detective Agency hired by Gray Line to take a Maxi Tours sightseeing trip and prepare a report of their observations on their individual trips. One purpose of this was to show that Maxi Tours, which does not hold any operating authority from the Commission, is selling and providing common carrier sightseeing tours to individuals on a per capita fare basis in violation of the applicable code provisions. A second purpose was to show that Mini Charter is the same or a closely related company that is providing the actual service with minibus equipment under Davis' charter permit and that, in effect, he is the real party providing the service without the requisite common carrier authority.

Following is a summary of the evidence presented by the first witness:

1. He called the Ramada Inn, Fisherman's Wharf, San Francisco the evening before the Muir Woods tour he took and was told to contact the gift shop which he did. He was given a brochure for Maxi Tours (Exhibit 2) which listed the following tours and prices:
 - a. San Francisco #1 (including the Golden Gate Bridge) at \$9, \$7 (under 12).
 - b. Muir Woods/Sausalito #2 at \$9.50 and \$7.50 (under 12).
 - c. Super Maxi #3, a combination of #1 and #2 at \$16.50 and \$12.50 (children under 12).
 - d. San Francisco by Night #4 at \$24.00 with and \$16.00 without dinner.
 - e. Wine Country #5 (Sonoma or Napa Valley) at \$25.00.
 - f. Monterey/Carmel #6 (including 17-mile Drive) at \$30.00.

A schedule for the tours was shown. Some were more than once a day, and the schedules for most tours varied with the time of year. He was told to come back the next day.

2. He returned to the gift shop the next morning and informed another person around 8:00 a.m. that he was interested in Tour #1 or #2. He was told the afternoon Muir Woods Tour was available, and a telephone call was made for a reservation for him. He was given a written reservation for the tour (Exhibit 1). The reservation form at the top showed the name Maxi Tour, a telephone number, and that it was a Charter Reservation Coupon. It had blanks for the tour identification, number of passengers in the group, pickup time, passenger's name, room number, tour date, name of agent making the reservation, and name of the hotel-motel.
3. He returned around 1:20 p.m., the pickup time shown on the coupon. Around 1:55 p.m., a man came into the Ramada Inn lobby and called his name and several others who went outside to a waiting late model van that already had several passengers aboard. The van immediately developed engine trouble and there was a half hour wait for another late model van replacement which they boarded around 2:30 p.m.

4. The van first proceeded to the office or headquarters of Maxi Tours on Chestnut Street in San Francisco. The company's name was on one of the windows. There were nine people, excluding the driver, in the van. A woman came out of the office, read the names of the passengers, and collected a copy of the coupon and a fare for each person. Where a man and a woman were together, the fare for both was collected from the man. He paid the \$9.50 amount shown in brochure. No receipts were given. No one told him that the fare for this tour could be different or that it was a group price.
5. The tour finally started around 3:00 p.m. and proceeded across the Golden Gate Bridge to Stinson Beach, Muir Woods, and Sausalito, where a half hour stop was made. On the return to San Francisco, a stop was made at an observation point near the bridge. He disembarked at the Ramada Inn at the Wharf around 6:40 p.m. This was the end of the tour.
6. The new replacement van did not have windows cut in the sides at the back seat. The operator of the vehicle was a driver rather than a sightseeing director. In this witness' written report (Exhibit 3), the only two negatives he mentioned were the delay in departure time and a poor public address system. He thought the tour itself was good once it got started. There was some lettering on both the initial and replacement vehicles. He was not sure if it was Mini Charter, but he's certain it was not Maxi Tours. He was not told by anyone, however, that Maxi Tours did not operate the vans.

The second Pinkerton witness for Gray Line presented substantially the same evidence as the first regarding the Super Maxi #3 tour (combination of San Francisco and Muir Woods) she had booked. She explained that she made her reservation with the bell captain at the Holiday Inn at Fisherman's Wharf in San Francisco. She testified that except for being taken to Maxi Tour's office to pay at the end of the tour and the tour being longer, 8:50 a.m. to 2:10 p.m.,

it was conducted in a similar manner to the one the other witness had taken. She stated that there were 13 customers on this tour, and that she paid \$16.50 and observed other people paying the girl at Maxi Tour's office. The witness further testified as follows:

1. The visibility and public address system on the vehicle was good, and it was possible to converse with the other people.
2. She did not see any name or symbols on the bus and does not know who owned it.
3. She did not know if the driver worked for Maxi Tours or any other company.

A substantial amount of testimony and exhibits were presented by Davis purportedly to support his allegations that:

1. Maxi Tours is a separate and distinct company owned by his wife, Gwendolyn Davis (G. Davis), in which he has absolutely no ownership, management, control, or other interest.
2. All transactions between his wife's business and himself are at arm's length, and there is no alter ego relationship between the two.
3. The method by which Mini Charter provides charter service for Maxi Tours sightseeing is legal.

In an attempt to establish that the two companies are separate, copies of the following documents were presented in evidence by Davis:

1. The separate filings by Davis and by his wife for the individual fictitious business names of each.
2. The separate unemployment, withholding, and FICA billings by IRS and deposit accounts for Davis and G. Davis.
3. Davis' Permit to Operate as a Charter-Party Carrier of Passengers, TCP 730-P, for transportation in vehicles with a 14-passenger capacity which is in his name only.

4. Invoices for services by Davis to parties other than Maxi Tours, and stubs of checks sent to his company in payment for some of these services.
5. Invoices to Davis' company for services provided for him.
6. The signature card for Maxi Tours' business bank account which shows only G. Davis' signature as authorized.
7. Telephone and other bills, checking account statement, and application for membership in the San Francisco Convention and Visitors Bureau for Maxi Tours, which show G. Davis' name only.

Davis pointed out that on the back of Maxi Tours' brochure (Exhibit 2) is a statement that Maxi Tours acts as a broker/organizer for these tours, has access to Public Utilities Commission (PUC) permits and as such conducts operations with fully insured vehicles that meet PUC specifications, and all prices are based on time and mileage factors and not a per person charge. In this connection, he testified that Maxi Tours' rate sheet names hourly rates which vary only with group size (Exhibit 22). Davis pointed out that hourly rates are shown for 14-passenger minibuses and also for 49-passenger bus and limousine service for which Maxi Tours uses other companies.

The following alleged charter charges are shown on the sheet for 14-passenger mini buses:

<u>"Group Size</u>	<u>Hourly Rate</u>	<u>3-Hour Minimum</u>
1	\$ 3.00	
2 thru 3	6.00	
4 thru 6	11.75	
7 thru 9	20.35	
10 thru 14	29.00	

For exclusive use of bus: Minimum 10 passengers."

The witness explained that in his opinion the prices shown on the Maxi Tours' brochure are the hourly charges stated in the rate sheet for one person; for example, the \$9 fare shown for the three-hour Tour #1 (San Francisco) is the charge for three hours at the \$3 per hour rate for a group size of 1 on the rate sheet. Based on this explanation, he further asserted that in his opinion the charges that were being assessed for the service in issue, including the charge paid by Gray Line's two Pinkerton witnesses, were not per capita charges but were hourly charter service charges.

Davis testified that a dispatch sheet is prepared for every order for charter service and that, being a small company, he does not keep any other records for this. He emphasized the fact that his company does provide service for other companies besides Maxi Tours. He stated that the charge for the service is shown on the dispatch sheet, and this is based on a per hour rate. He testified that he does not give any commission to Maxi Tours but that he does to some of the other companies he provides service for and to people who obtain business for him. The witness explained that his billing to Maxi Tours, which varies from weekly to monthly, is on a plain sheet of paper which shows the hours of service, the hourly rate, and the total charge, and that Maxi Tours then pays Mini Charter by check. He stated that Mini Charter does not keep many records and that it uses its canceled checks for tax purposes.

The witness testified that Maxi Tours was founded by G. Davis as her own separate company and commenced operations in 1977 during the lengthy Gray Line strike. He asserted that his only contact with Maxi Tours is to provide charter service for it. He explained that although he did give some assistance to his wife in designing the original brochure for her business, he has had

nothing to do with any subsequent Maxi Tours' brochures, including the latest one in Exhibit 2. The witness testified that his business records have always been kept at his home and not at his wife's office and that the two companies do not share any common employees. He stated that his name alone appears on the signature card for the bank account for his business.

Davis testified that he had prior experience in the tourist industry with Gray Line and that he has operated Mini Charter for two years. He stated that the gross revenue for his business for 1977 would be about \$170,000 and that of this amount approximately \$15,000 was from his Marin County certificated operations and about \$140,000 from charter services for Maxi Tours. He asserted that about 95 percent of the income from Maxi Tours is derived from Tours #1 (San Francisco), #2 (Muir Woods), and #3 (combination of #1 and #2) and that he has several new vans in addition to those listed on his permit. Davis explained that he employs 20 to 22, mostly parttime, drivers, and that most are college graduates and speak one or more foreign languages. He stated that he has a thorough training program and library to familiarize all of the drivers with points of interest in the areas in which they operate.

In answer to a number of questions by Gray Line and the staff regarding the two companies, Davis stated as follows:

1. His wife's company provides a telephone answering service for him at her office and he has a desk there. He pays \$150 a month for this, and the charge is deducted from money owed to his company.
2. He has called on accounts for his wife and has delivered brochures and also commissions to people who have sold Maxi Tours' services for her.
3. Although he does not know the gross revenue for Maxi Tours, earnings of the company are included in the joint income tax return filed and signed by his wife and himself.

4. His current business address is the Lombard Street, San Francisco residence of his wife and himself, and prior thereto, it was their former Corte Madera residence.
5. He does not have a secretary. He does at times have an employee of Maxi Tours do something for him. He pays no cash for this service.
6. When he is at his wife's office, he does at times answer Maxi Tours' telephone, and if a person requests the fare for the City Tour, he will inform him that it is \$9. He does not know if this is an individual fare. If the fare request is for more than one, he refers the call to Maxi Tours' personnel because it could be different.
7. Sometimes profits of his business could end up in his wife's separate account and vice versa.
8. He did receive a letter dated July 27, 1977 from the Executive Director directing him to cease and desist operating as a passenger stage carrier in providing per capita sightseeing service originating from points in San Francisco to points in the Bay Area. The letter stated that he was using Maxi Tours to collect individual fares for this service to circumvent Section 5401 of the Code which provides that it is unlawful for a charter-party carrier of passengers to directly or indirectly or through its agent, a broker, or otherwise to charge fares on an individual fare basis. The witness asserted that he immediately contacted a staff member regarding this but that in his own mind, he considered his operations legal and continued without change.
9. He was not aware a letter dated November 17, 1977 from the Executive Director was sent to Maxi Tours advising the company to cease and desist from participating in passenger stage corporation sightseeing operations from points in San Francisco to Bay Area points without the required certificated authority.

A Commission staff representative testified that he had investigated Davis' charter operations for Maxi Tours. He stated that he made a reservation for Tour #2 (Muir Woods) at the Wharf Motel in San Francisco. According to his explanation, payment for the tour was handled in the same way as described by the Pinkerton witness. He stated that he did ask for a receipt when he paid Maxi Tours and that because of this, the driver of the bus suspected he was a Commission investigator and so informed Davis who was waiting for him at the end of the trip. The witness testified that Davis informed him that Davis thought his operations were illegitimate, that Maxi Tours was a paper company of his wife or veil to get around the law, and that there are many other similar types of operations going on.

Davis resumed the witness stand and denied making any statements to the staff investigator or anyone else that Maxi Tours was a veil or sham to avoid the restriction regarding the collection of individual fares by a charter carrier.

The Marketing Director of the San Francisco Convention and Visitors Bureau presented evidence to show the need for sightseeing service for San Francisco. He pointed out that there were over three million convention and other visitors at San Francisco hotels and motels in 1977 and that this number is increasing and will continue to do so. This, he stated, does not include visitors to private homes or to hotels and motels in surrounding areas. The witness explained that many of the visitors are from foreign countries and do not speak English. He asserted that there is a definite need for sightseeing service in San Francisco, including such service for foreign-speaking visitors.

Applications

Davis testified as follows regarding the certificated minibus sightseeing authority he is seeking in his three applications:

1. Application No. 57412 requests additional pickup points for his Marin County certificated minibus sightseeing service, and the addition of a Muir Woods tour to the San Francisco tour he is now authorized to provide from Marin County.
2. Application No. 57416 requests authority to operate a day and night sightseeing tour to San Francisco from named hotels, motels, and points in three East Bay cities.
3. Application No. 57620 requests authority to operate the identical six tours described in Maxi Tours' brochure (Exhibit 2), and for which Mini Charter is now purportedly furnishing vans.

Davis' attorney pointed out that much of the evidence presented on behalf of his client in the complaint phase of this consolidated proceeding relates to the applications, and he requested that it be so considered.

According to a financial statement in Exhibit 30 presented by Davis, his company has assets of \$264,669, liabilities of \$66,535, and a net worth of \$198,134. His Application No. 57620 shows net assets of \$53,000. He explained that the Exhibit 30 statement includes community property of his wife and himself. The witness testified that he had shown the statement to his tax consultant, and the consultant made no comments about it.

Exhibit 31 shows that Mini Charter now has eight 14-passenger vans, one 11-passenger van, and three automobiles. Further evidence was presented to show that Davis' drivers are

well-trained and most are bilingual. He pointed out that many of the tours for which he is now providing equipment for Maxi Tours are bilingual or for the handicapped and that he would provide this type of service if his applications are granted. The driver would be the interpreter and no additional charge would be made for this service.

Davis testified that he has been serving at least 98 hotels and motels in San Francisco under his charter permit and has had no service complaints from any of them. He pointed out that there are approximately 140 hotels and motels in San Francisco and that if his Application No. 57620 is granted, he will provide pickup service for all of them. He asserted that to his knowledge, Gray Line has no direct or shuttle pickup service for at least 65 of these locations. In this connection, he stated that many foreign visitors to San Francisco stay at the less expensive hotels not in the downtown area. He explained that Gray Line uses large bus equipment for its sightseeing service, whereas he would use smaller minibuses. The witness asserted that minibuses have a number of advantages over larger equipment, including the ability to accommodate groups which are more informal and can converse with the driver and among themselves, the ability to make stops at the points of interest the passengers want to see, better visibility, and the ability to visit many areas a full-size bus cannot visit. He also asserted that his tours would be from the last passenger pickup with return to that same point, and that this would eliminate the necessity of shuttle services and conserve energy.

The witness asserted that his financial condition is good and that he can obtain credit, if necessary, to acquire any additional equipment, office space, or personnel that may be required if the applications are granted. He stated that

the projected yearly income from the San Francisco service (Application No. 57620), if granted, would be \$220,800, the operating cost would be \$181,206, and the net income would be \$39,594. According to the witness, the revenue breakdown would be 50 percent from Tour #1 (San Francisco), 10 percent from Tour #2 (Muir Woods), 24 percent from Tour #3 (combination San Francisco and Muir Woods), 11 percent from Tour #4 (night San Francisco), 2 percent from Tour #5 (Wine Country), and 3 percent from Tour #6 (Monterey/Carmel). He stated that he based this projection on the experience of his Marin County certificated operations and that he did not have an available current income statement for Mini Charter. He asserted that he is now transporting approximately 21,030 passengers per year, carries 10 passengers per trip on the average, and operates all days of the year except Thanksgiving and Christmas.

Davis asserted that there are a number of other carriers who do not have operating authority from the Commission but are providing per capita sightseeing service in the area he requested. He presented the brochures of three of them in evidence (Exhibits 38, 39, and 40) to support his allegation. His attorney alleged that the Commission is singling out his client and not concerned with whether other operators in the area may be providing sightseeing service without Commission authority. He referred to this as selective enforcement. The attorney asserted, however, that it has not been established that any of his client's operations are in fact illegal.

Davis testified that if the applications are granted, the revenue from his charter operations may drop but his overall revenue will increase, he will continue to charter equipment to

Maxi Tours if it so desires but will compete with it, he will publish brochures in several foreign languages as well as English, and he will on a continual basis operate Tours #5 (Wine Country) and #6 (Monterey/Carmel) even though the revenue from them will be relatively insignificant.

A senior clerk, a bellman, a self-employed member of a gift shop, and an employee of four San Francisco motels testified in support of the three applications. Following is a summary of their testimony:

1. Each handles tour arrangements for the motel and is familiar with Mini Charter through Maxi Tours.
2. A substantial number of guests at each establishment, including those from foreign countries, have used this service and are pleased with it.
3. There is a need for Davis' proposed pickup sightseeing service.
4. They receive a commission for clients referred to Maxi Tours. It is around 15 percent and equals \$2 for the \$9 San Francisco sightseeing tour. Gray Line's price for this tour is \$6.30, and its commission for this tour is 75 cents. However, they would not recommend a tour they did not feel was good.
5. One stated that he was informed by Davis that a certain price is printed on the Maxi Tours brochure but that it could be less depending on the number of people on the bus.
6. Davis is concerned with the quality of the tours he is now providing equipment for and checks with these witnesses regularly to see if the tours meet his standards.
7. There are regularly a number of foreign guests at all of the establishments, and there is a real need for the foreign language service Davis proposes.
8. Several have taken a Maxi Tours' trip and were impressed by the way Mini Charter conducted them.

9. Two stated they had received some complaints from guests regarding Gray Line's service.

In essence, Davis asserted that public convenience and necessity require the service he proposes in the three applications; he has the necessary financial ability, equipment, personnel, and experience to provide this service; and it will not adversely affect the environment and will result in energy conservation.

Evidence or statements in opposition to one or more of the applications were presented by five carriers. The attorney for A. C. Cal Spanish Tours pointed out that his client provides foreign language sightseeing service in San Francisco and other Bay Area counties and requested that if any authority is granted to Davis, a restriction be placed therein prohibiting foreign language tours. The attorney for Golden Gate Sightseeing Tours, Inc. stated that his client has requested authority similar to that sought by Davis in Application No. 57620 (service originating in San Francisco) and that his client's application has been submitted on briefs for a long period of time without a decision. He requested that this matter be denied in its entirety. The attorney for O'Connor Limousine Service, Inc. also pointed out that his client is seeking authority similar to that set out in Application No. 57620 and that its application has been submitted on briefs for a considerable period of time without a decision. He opposes any sought sightseeing service originating in San Francisco.

Following is a summary of the evidence presented by the president of Gray Line in opposition to Applications Nos. 57416 (East Bay to San Francisco) and 57620 (service originating in San Francisco):

1. Gray Line has been in the sightseeing business since 1910. It provides tours similar to those sought by Davis in Application No. 57620 (service originating in San Francisco). It has authority to provide service similar to that described in Application No. 57416 (East Bay to San Francisco).

2. It has 45 buses in its fleet. They range in size from 45 to 53 passengers, and most are 53 passengers. All are designed for sightseeing. It can obtain additional equipment on short notice if needed. It distributes its brochures primarily throughout the country and some overseas. It has numerous schedules for its various tours. For its San Francisco tours, it has 6 departures during the summer with 2 to 9 buses for each and an average of 38 to 53 passengers on each bus. 130 to 140 drivers are employed in the summer.
3. It provides regular route or on-call pickup services at 96 of the approximately 150 hotels and motels in San Francisco. Foreign language interpreters will be provided for groups of 15 to 20 or more at an additional charge. Service is also provided for the handicapped.
4. Gray Line has about 100 agents in hotels and motels in San Francisco. It pays them a 10 percent commission; whereas Maxi Tours and some other mini bus companies pay a 15 percent commission. Most hotel and motel agents selling tours like to earn the highest commission possible.
5. Gray Line grossed approximately \$4,500,000 last year but lost money because of increased costs and failure to obtain a rate increase commensurate with spiraling inflation. Its operating ratio for the year was 100.4 percent. Also it has lost about 15 percent of its San Francisco business to six or so mini-van operators that sprang up during the lengthy strike which commenced in 1976.
6. A customer will contact the agent of Gray Line in the lobby of his hotel or motel. A reservation will be made for him. He will either be picked up or told where the nearest pickup point is. Usually a pickup point will not be more than three blocks from where the customer is staying.
7. Gray Line is ready, willing, and able to meet any additional need for sightseeing service that may arise.

The president of CT&E Travel Corp. (CT&E), doing business as California Tour and Expedition Company, presented the following evidence in opposition to Application No. 57416 (East Bay to San Francisco):

1. CT&E has recently been granted a sightseeing certificate, including authority to provide service from named East Bay hotels and motels to San Francisco. Service is restricted to 14-passenger vehicles. It also has charter authority.
2. It now has 3 mini-vans and can obtain additional equipment if needed. It has distributed a brochure for its service.
3. CT&E now has competition in the East Bay and additional competition from another carrier with a certificate in this area would be devastating to it.
4. Although it has provided this service for only a short while, it has received many compliments on it.
5. There have been no public witnesses or other support for Davis' East Bay to San Francisco application.

Discussion

We are of the opinion that the cease and desist order requested by Gray Line should be issued, Application No. 57412 (Marin County), 57620 (service originating in San Francisco), and 57416 (East Bay to San Francisco) should be granted.

All of the sightseeing service currently provided under the arrangement between Maxi Tours and Mini Charter is a common carrier passenger stage corporation operation. A passenger stage corporation is defined in Section 226 of the Code as follows:

"'Passenger stage corporation' includes every corporation or person engaged as a common carrier, for compensation, in the ownership, control, operation, or management of any passenger stage over any public highway in this state between fixed termini or over a regular route except those, 98 percent or more of whose operations as measured by total route mileage operated, are exclusively within the limits of a single city or city and county, or whose operations consist solely in the transportation of bona fide pupils attending an institution of learning between their homes and such institution."

With respect to the type of sightseeing transportation that is being offered, it is reasonable to conclude that it is between fixed termini and over a regular route. (See Lavelle v Pacifico, Decision No. 92455 dated December 2, 1980, in Case No. 10732, et al., mimeograph copy.) The points of interest on the various tours are, based on a realistic interpretation, fixed. We recognize, as testified to by Davis, that there could be some slight variations in the points visited on various trips of a particular tour to accommodate a passenger request to see a place in which he has a particular interest. Such a request could cause some minor variation in the actual route traveled. Such variation could also occur for other reasons related to the flexibility of this type of service. However, variations of this sort are de minimis. Each tour is designed to cover a certain area, traverse certain routes, and visit specified points and is so sold. Furthermore, as stated in Section 1035 of the Code, whether or not a stage, auto stage, or other motor vehicle is being operated between fixed termini or over a regular route is a question of fact, and the finding of the Commission thereon is final and not subject to review.

It should be noted that the Tour #1 (San Francisco) does not come within the exception in Section 226 for operations 98 percent or more within the limits of a single city or city and county. Although the tour is designed primarily for visiting points of interest within San Francisco, it also crosses the Golden Gate Bridge to an observation point on the north side of it in Marin County, and this accounts for more than two percent of the operation.

The operation is for compensation. Section 226 does not state any basis for the compensation. However, it is generally understood that this refers to charges collected on an individual fare basis. In this connection, Section 1035 provides in part that

where the fare is computed, collected, or demanded on an individual fare basis, the transportation is presumed to be that of a passenger stage corporation. Here, the fares shown in Maxi Tours' brochure in Exhibit 2 are on an individual fare basis.

We are mindful that Davis has pointed out that there is a statement on the back of the Exhibit 2 brochure that Maxi Tours acts as a broker/organizer for the tours and has access to PUC permits, and that Maxi Tours has a rate sheet (Exhibit 22) which provides hourly rates that vary with the size of the group. Such a statement on a brochure describing sightseeing services does not excuse a company from the requirement in Section 1031 of the Code that it obtain a passenger stage certificate if it is in fact conducting such operations. Here, the operations are those of a passenger stage corporation, and the disclaimer statement is in no way an insulation from the Section 1031 requirement.

We have carefully reviewed the Maxi Tours' sheet in Exhibit 22, the brochure in Exhibit 2, and the evidence regarding the basis on which fares were assessed for the sightseeing tours. The inference attempted to be created by Davis by the introduction of the rate sheet as an exhibit is that the dollar amount shown for each tour on the brochure is the group hourly charge based on the per hour rate for a group of one stated in the rate sheet for the length of time the tour is to take and that the dollar amount, therefore, is not an individual fare.

This is a novel approach, but is not supported by the weight of the evidence. The business is not operated on the basis of the rate sheet. It is operated on the basis of the brochure. There is absolutely no evidence that the rate sheet was ever distributed to hotel and motel personnel who, as agents for Maxi Tours, were its contacts with the public and made the actual reservations. These agents gave the brochure to interested guests, and the only information the guests had regarding fares was that printed on the brochure. One of the hotel personnel witnesses called by Davis did state that he had been informed by Davis that depending on the number of people on a bus, the actual price could be less than that shown in the brochure. However, there is no evidence that charges were assessed on a basis other than the fares shown in the brochure. The two Pinkerton and the staff witnesses, each of whom had taken a tour, all testified that they had not been informed by the persons with whom they made their reservations that the fares for the individual tours they took could be different than those shown in the brochure and that they all paid on the basis of the brochure.

We note that no explanation was offered at the hearing as to what a group is - whether it is the total number of people on the bus or a number of individuals who are together and jointly take a tour. Davis' position that the fares for the tours are not collected on an individual fare basis is not persuasive.

A substantial amount of evidence was presented by Davis in an attempt to establish that Maxi Tours and Mini Charter were separate and distinct. It is his contention that Maxi Tours is solely owned and operated by his wife. Mini Charter is solely owned and operated by him, and neither has any interest or control in the company of the other. He presented numerous exhibits showing separate bank accounts with a single authorized signature for the individual accounts, billings for services and tax accounts which had been sent to his wife for Maxi Tours and to him for Mini Charter, the different business addresses of each, and the like.

However, by the same token, Davis testified that he assisted his wife in preparing the initial brochure for Maxi Tours, has a desk and answering service at her office, solicits and delivers commissions for the tours, does at times answer telephone calls for Maxi Tours when at the office, and the like. Evidence on the issue of separateness between the two is detailed above and need not be further repeated here. It is to be noted, however, that a joint tax return with the income derived from each company is signed and filed by both. It would be unrealistic to presume that neither the husband nor wife was concerned with the business of the other or doing everything possible to see that the overall operation was realizing the maximum possible income.

The dealings between Maxi Tours and Mini Charter do not have the appearance of arm's length transactions. The husband is involved in promoting the sale of the tours. The wife is not going to other charter parties to obtain quotes for the transportation. The actual service has always been provided under the charter permit issued in the husband's name. There is certainly an inseparable community of interest by both husband and wife in the two companies. For this reason, we are of the opinion, for the purposes of this proceeding, that they are one and the same. Having so determined,

we will direct both Davis and G. Davis to cease and desist from individually or jointly offering, advertising, or performing any service as a passenger stage corporation for which the required operating authority has not been obtained.

One of the standards an applicant for a passenger stage certificate must satisfy is fitness. This is a subjective consideration. Generally, it is based on the past record of the applicant. If he has been engaged in illegal operations and it appears he is requesting authority to legitimize such operations, this will weigh heavily on a determination of fitness. Here, it appears that the two-company setup was an attempted shield to conceal an operation that was at the very least suspect or should have been to Davis.

However, it is noted that the operation was commenced during a period of time when the major bus sightseeing company in the Bay Area, Gray Line, was involved in a lengthy strike. There was a substantial need for sightseeing service in the area at that time. A number of minibus operators and others came into existence to provide what service they could. Some did not initially have the proper operating authority, and under the liberalized policy adopted by the Commission regarding entry in the sightseeing field, several of those were subsequently granted certificated operating authority. We will give Davis the benefit of the doubt and accept his explanation that it was his honest opinion that there was no illegality with the Maxi Tours/Mini Charter sightseeing operation.

We will, therefore, based on this interpretation of his intent, conclude that there is sufficient mitigation regarding his past actions and that they do not in and of themselves mean he is an unfit person insofar as his applications are concerned. In arriving at this determination, we have taken into account that Davis does hold operating authority, though the wrong type, and he

was subject to the insurance requirements and California Highway Patrol safety standards as specified in his permit.

Certain of the issues to be considered in applications for sightseeing authority are discussed at pages 18 and 19 of the mimeograph copy of our decision in In re Mexcursions, Inc. (Decision No. 90155 dated April 10, 1979 in Application No. 57763) wherein we stated as follows:

"The threshold issue in any sightseeing bus application is always whether or not public convenience and necessity require the particular service sought to be authorized by that application (See Public Utilities Code Section 1031). If it can be demonstrated that public convenience and necessity require it, a certificate may be issued, provided that, in those instances where a certificate holder or holders are already serving the territory, holder or holders will not provide service to the satisfaction of the Commission (See Public Utilities Code Section 1032). Traditionally, the satisfactory service test of existing carriers has been based on the relatively narrow analysis of factors such as route patterns, service frequency, adequacy of equipment, and the fitness of the applicant. There are, however, other significant underlying factors which in our opinion, have not received enough attention. For example, is monopoly service of itself unsatisfactory service to the public?

"This nation's antitrust laws and policies are premised on the understanding that competitive service generally results in a superior overall level of service to the public. Competition tends to bring out the highest degree of effort and imagination in a business endeavor to the benefit of the public. In the area of sightseeing bus operations, competition will have a direct bearing on the quality of overall treatment afforded passengers, rates, scheduling, equipment condition, and operational innovation generally. California needs an influx of

vigorous, innovative thinking and application if publicly acceptable alternatives to private auto-use are to fully develop. We state now that competition in the area of sightseeing bus operations is a most desirable goal.

"We are dealing here with sightseeing service. This class of service, unlike the traditional common carrier passenger stage operation is essentially a luxury service, recreationally oriented and essentially different from the conventional point-to-point public transportation service, and therefore it is a service less imbued with that essentiality to the public welfare which we usually hold inherent in the underlying concept of public convenience and necessity. Accordingly, it is a service less entitled to the strict territorial protectionism from competition and competitive factors which necessarily is accorded the 'natural' utility monopolies such as electric, gas, or telephone utilities." (For a further discussion of these issues, see In re O'Connor Limousine Service, Inc., Decision No. 90154 dated April 10, 1979 in Application No. 56580.)

The service applicant is proposing in his three applications is a sightseeing service. The authority sought in Application No. 57412 is, as stated above, an expansion of the present Marin County certificate to include: (1) pickup at 22 additional named hotels and motels in the Terra Linda, San Rafael, Greenbrae, Corte Madera, Tiburon, Mill Valley, and Sausalito areas, and (2) an additional tour to Mill Valley and vicinity. Davis stated this new service would be in minibus equipment. His present certificate is for a San Francisco tour from four Marin County hotels and motels. There was one protest to this application, and the main thrust of the protest was to have a restriction prohibiting foreign language tours inserted in any authority that might be granted. One of the supporting witnesses for Davis testified that

she operates gift shops at one of the motels served by him in Marin County and at another motel in San Francisco and that she has sold tours for Maxi Tours and for his Marin service. She stated that his Marin County service has been very good, there are not many other operators available in the area, and there is a need for his service there. Davis has had experience and is providing service in the area. While the evidence regarding the expanded Marin County service was not substantial, it is adequate to establish that public convenience and necessity do require it. We are not persuaded that a restriction should be inserted in the authority prohibiting foreign language tours.

The authority sought in Application No. 57416 for sight-seeing service from named hotels and motels in the East Bay to San Francisco was vigorously opposed by CT&E and also by two other protestants. The evidence shows that there is a public demand for this service by applicant. Based on the evidence of record, a sufficient showing has been made to show that public convenience and necessity require the proposed East Bay to San Francisco service.

A considerable amount of evidence was presented by Davis regarding his Application No. 57620 for authority to provide the six sightseeing tours originating in San Francisco. As detailed above, evidence protesting this authority was presented by Gray Line, and statements in opposition to it were made on behalf of A. C. Cal Spanish Tours, Golden Gate Sightseeing Tours, Inc., Sequoia Stages, and O'Connor Limousine Service, Inc.

The issue of Davis' fitness was covered in our consideration of the complaint and need not be further discussed. The evidence regarding his financial condition was not extensive. However, it does appear adequate. He does have a reasonable amount of equipment and has expressed a willingness to acquire more should the San Francisco request be granted and the public need so require. He has had considerable experience in the sightseeing industry for a number of years.

We recognize that the number of witnesses presented by applicant were relatively few in number and, as a result, the evidence regarding a public need for the proposed service is not extensive. Nonetheless, according to the evidence, there are many domestic and foreign visitors to San Francisco who would use the type of per capita service Davis proposes if his San Francisco application is granted. We are of the opinion that, based on the particular facts and circumstances herein, it has been sufficiently established that public convenience and necessity require the proposed service.

As is clearly established by the evidence, there are differences in the service proposed by applicant from that provided by Gray Line. Although Gray Line does provide comparable tours to those proposed, Davis' service would be in minibus equipment, whereas Gray Line uses full-size buses only. Davis would pick up passengers at all hotels and motels in San Francisco, whereas Gray Line, though it does have direct or shuttle pickup at or near most hotels and motels, would not pick up at all of them. Gray Line provides foreign language interpreters on its tours for groups of 15 to 20 or more and assesses an additional charge for this. Davis has bilingual driver/guides and would provide such service to the extent possible without charge.

It is apparent that Davis would be in competition with Gray Line. However, based on the size of the operation he would

provide, the threat of this competition to the financial position of Gray Line would not be substantial. As to the amount of Commission paid by Gray Line and by Davis to their reservation agents in hotels and motels, this is a matter of managerial discretion.

The opposition to Application No. 57620 stated by the other parties is not persuasive. It is noted that the two parties who had been waiting for a decision on their applications have now received their authority. With the substantial number of visitors from other countries to San Francisco, there is a need for tours with foreign language interpreters.

Our decision in this consolidated proceeding is based entirely on the unique facts and circumstances developed herein and does not establish a policy or precedent for the future.

Findings of Fact

1. A permit to operate as a charter-party carrier of passengers has been issued to Davis, doing business as Mini Charter. He also holds a certificate authorizing a sightseeing tour to San Francisco from four named Marin County hotels and motels. A fictitious business name statement for his business name has been filed with the San Francisco county clerk's office.

2. G. Davis, doing business as Maxi Tours, has filed a fictitious business name statement for her business name with the San Francisco county clerk's office.

3. Davis and G. Davis are husband and wife.

4. Davis and G. Davis have separate business bank accounts. The business address of Mini Charter is their residence, and the business address of Maxi Tours is G. Davis' office. Billings for services and withholding tax statements for Mini Charter are sent to Davis, and those for Maxi Tours are sent to G. Davis.

5. Davis has a desk at his wife's office, answers the telephone there at times for Maxi Tours, solicits business for Maxi Tours, and delivers brochures and commissions to agents for her. Maxi Tour personnel provide an answering service for Mini Charter. \$150 a month is deducted for the use of the desk and the answering service from billings by Davis to his wife for purported charter service. The income from the two businesses is included in the joint tax returns of the husband and wife.

6. Maxi Tours holds itself out to the public to furnish, advertises through brochures distributed to hotels and motels, and does provide a sightseeing service originating at hotels and motels in San Francisco. Six separate tours are provided: San Francisco, Muir Woods, combination San Francisco and Muir Woods, San Francisco night, Napa/Sonoma wine country, and Monterey/Carmel.

7. Although Davis alleges the service described in Finding 6 is provided on an hourly charter basis, the evidence clearly establishes that the charge for this service is on a per capita basis.

8. All of the actual transportation, including drivers, for the tours described in Finding 6 is furnished by Mini Charter under an alleged charter. G. Davis has never requested quotations for the transportation service from any other carrier of passengers.

9. The evidence does not support the contention by Davis that all dealings between Maxi Tours and Mini Tours are at arm's length.

10. The sightseeing service described in Finding 6 is a passenger stage corporation sightseeing service for which a certificate of public convenience and necessity is required.

11. Davis and G. Davis, either individually or jointly, do not hold certificated authority for the service referred to in Finding 6 and should cease such operations until the proper certificated authority is obtained.

12. It has not been established with certainty that Davis is an unfit person insofar as his three applications are concerned. In this connection, he testified that he was not aware of any illegality in the Maxi Tours/Mini Charter method of handling the sightseeing service described in Finding 6.

13. Davis proposes in Application No. 57412 to expand his present certificated Marin County to San Francisco sightseeing service to include pickup at 22 additional named Marin County hotels and motels and to provide an additional tour to Muir Woods. He proposes in Application No. 57620 to conduct per capita sightseeing service in minibus equipment from hotels and motels in San Francisco. The six tours he proposes in Application No. 57620 are the same as those described in Finding 6.

14. The service proposed in Application No. 57620 would be provided in minibus equipment, whereas similar service by Gray Line is in full-size buses.

15. Competition between Davis and the existing certificated passenger stages operating in the areas covered by Applications Nos. 57412, 57416, and 57620 will be in the public interest in that it will lead to the development of the territories served by such passenger stages and will promote good service and hold down fares. (In re Mexcursions, Inc., supra.)

16. Davis is ready, willing, and able to provide the service proposed.

17. Davis has demonstrated that public convenience and necessity require the service proposed.

18. The evidence does not support any restriction against narrating tours in a foreign language in any additional certificated sightseeing authority granted to Davis herein.

19. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

20. The motion by Davis that any limitations on the numbers of units of equipment should be removed is reasonable.

21. The motions by Davis for a jury trial, to eliminate any vehicle size restrictions, and to dismiss Case No. 10386 are not appropriate.

Conclusions of Law

1. For the purposes of this proceeding, Davis, G. Davis, and the two companies in their respective names are considered to be one and the same.

2. The two-company setup, insofar as the sightseeing service referred to in Finding 6 is concerned, does not insulate either from the certificate requirements for common carrier sightseeing service.

3. Davis and G. Davis should be directed both individually and collectively to cease and desist from providing any per capita passenger stage corporation sightseeing service for which they do not hold a certificate of public convenience and necessity.

4. Davis should be granted a certificate of public convenience and necessity to operate the sightseeing service proposed in Applications Nos. 57412, 57416, and 57620 as provided in the order which follows.^{1/}

^{1/} In other proceedings (A.59818 et al.) we reviewed our previous opinions that round-trip sightseeing is passenger stage transportation. In this application, hearings have been held and it would be unfair not to issue a decision based on the evidence and the issues raised by the parties. This decision, therefore, is written assuming that our traditional stance is in effect, as the decision in A.59818 et al. is not effective until 30 days from today.

5. The motion by Davis to remove any restrictions in Applications Nos. 57412, 57416, and 57620 regarding the number of vehicles operated should be granted. ✓

6. The motions by Davis for a jury trial, to dismiss Case No. 10386, and remove any restrictions in Applications Nos. 57412, 57416, and 57620 regarding vehicle size should be denied. ✓

- Davis is placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. Ronald H. Davis, doing business as Mini Charter (defendant in Case No. 10386), and Gwendolyn Louise Davis, doing business as Maxi Tours, shall individually and jointly cease and desist from offering and providing passenger stage corporation service over the public highways of the State of California, except pursuant to a certificate of public convenience and necessity issued by this Commission.

2. Appendix A of Decision No. 87001 in Application No. 57014 is amended by incorporating First Revised Page 2 and Original Pages 3, 4, 5, 6, 7, and 8, attached, in cancellation of Original Page 2.

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 he accepts the certificate he 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 No. 98-Series, and the insurance requirements of the Commission's General Order No. 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 the effective date of this order on not less than five 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 Nos. 79-Series and 98-Series.
- (e) Applicant shall maintain his 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 his operations in such form, content, and number of copies as the Commission, from time to time shall prescribe.

4. The motion by applicant to remove any restriction in Applications Nos. 57412, 57416, and 57620 regarding the number of vehicles operated is granted.

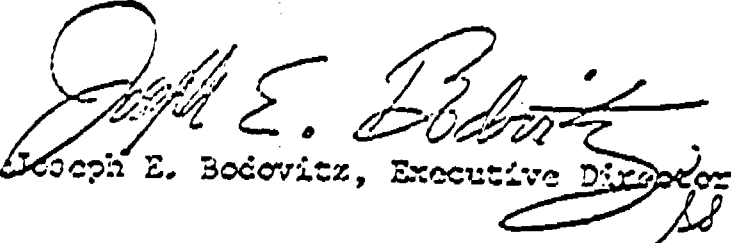
5. The motions by applicant for a jury trial, to remove any restrictions in Applications Nos. 57412, 57416, and 57620 regarding vehicle size, and to dismiss Case No. 10386 are denied. ✓

The effective date of this order shall be thirty days after the date hereof. ✓

Dated NOV 13 1981, at San Francisco, California.

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

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director

Appendix A
(D.87001)

Ronald H. Davis
dba
MINI CHARTER
(PSC-1013)

First Revised Page 2
Cancels
Original Page 2

SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS.

Ronald H. Davis, doing business as Mini Charter, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized as a passenger stage corporation to provide sightseeing service *over the most direct and appropriate streets and highways between the hotels and motels in Marin County as specified below, on the one hand, and the City of San Francisco *and Muir Woods, on the other hand, *and between various hotels and motels in San Francisco, on the one hand, and points of interest in San Francisco, Muir Woods, combination San Francisco and Muir Woods, night tour of San Francisco, Wine Country and Monterey/Carmel, on the other hand, *and between the hotels and motels in Alameda County as specified below, on the one hand, and points of interest in San Francisco, on the other hand, over and along the routes described, subject, however, to the authority of this Commission to change or modify these routes at any time and subject to the following provisions:

- a. All service authorized shall be limited to the transportation of round-trip passengers only.

Issued by California Public Utilities Commission.

*Added by Decision 93744, in Applications 57412, 57416, and 57620.

Appendix A
(D.87001)

Ronald H. Davis
dba
MINI CHARTER
(PSC-1013)

Original Page 3

SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS. (Continued)

- *b. All service from San Francisco and Alameda County shall be provided in mini bus equipment (vans seating 14 passengers or less).
- *c. Service shall be operated on an "on-call" basis from Alameda County. The term "on-call" as used refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetable shall show the conditions under which each authorized on-call service will be rendered.

Issued by California Public Utilities Commission.

*Added by Decision 93744, in Applications 57412, 57416,
and 57620.

Appendix A
(D.87001)

Ronald H. Davis
dba
MINI CHARTER
(PSC-1013)

Original Page 4

SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS. (Continued)

- d. Applicant shall not pick up or discharge passengers except at the following hotels and motels in Marin County. This provision shall not prevent stopovers for the purpose of permitting sightseeing passengers to visit various points of interest along the route:

San Rafael Inn, Wilshire Towers,
Villa Rafael, Larkspur Ferry,
Golden Gate Trailer, Madera
Village Inn, Casa Buena Motel,
Tiburon Lodge, HiHo Motel, Howard
Johnsons, Fireside Motel, Alta Mira,
Bermuda Palms, Holiday Inn, Colonial,
Marin Trailer Pk., Corte Madera Inn,
Edgewater Inn, Alto Motel, Tamalpais
Village, Fountain Motel, Sausalito
Ferry, Casa Madrona.

- e. Applicant shall not pick up or discharge passengers except at the following hotels and motels in Alameda County. This provision shall not prevent stopovers for the purpose of permitting sightseeing passengers to visit various points of interest along the route:

Issued by California Public Utilities Commission.

Decision 93744, Applications 57412, 57416, and 57620.

Appendix A
(D.87001)

Ronald H. Davis
dba
MINI CHARTER
(PSC-1013)

Original Page 5

SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS. (Continued)

Edgewater Hyatt	Oakland
Hilton Inn	Oakland
Edgewater West	Oakland
Royal Inn	Oakland
Holiday Inn	Oakland
Motel 6	Oakland
Coliseum Motel	Oakland
London Lodge	Oakland
Thunderbird Ldg	Oakland
Boatel	Oakland
Jack London Inn	Oakland
Berkeley House	Berkeley
Golden Bear	Berkeley
Marriott Inn	Berkeley
Holiday Inn	Emeryville

Issued by California Public Utilities Commission.

Decision 93744, Applications 57412, 57416, and 57620.

Appendix A
(D.87001)

Ronald H. Davis
dba
MINI CHARTER
(PSC-1013)

Original Page 6

SECTION II. TOUR DESCRIPTIONS - FROM SAN FRANCISCO.

Tour 1 - San Francisco

Commencing from the passengers' hotel or motel in the City of San Francisco, then over the most scenic and convenient streets and highways to the various points of interest, and return.

Tour 2 - Muir Woods

Commencing from the passengers' hotel or motel in the City of San Francisco, then over the most scenic and convenient streets to Highway 101 across the Golden Gate Bridge to Sausalito, Muir Woods, and Muir Beach, and return.

Tour 3 - Combination San Francisco and Muir Woods

The route shall be a combination of those described in Routes 1 and 2.

Tour 4 - Night Tour of San Francisco

The route shall be the same as Route 1.

Tour 5 - Wine Country

Commencing at the passengers' hotel or motel in the City of San Francisco, then over the Golden Gate Bridge via Highway 101 to Highway 121, then to Highway 29 and visit the various wineries contiguously located, then to the Geysers and Petrified Forest, and return.

Issued by California Public Utilities Commission.

Decision 93744, Applications 57412, 57416, and 57620.

Appendix A
(D.87001)

Ronald H. Davis
dba
MINI CHARTER
(PSC-1013)

Original Page 7

SECTION II. TOUR DESCRIPTIONS - FROM SAN FRANCISCO. (Continued)

Tour 6 - Monterey/Carmel

Commencing from the passengers' hotel or motel in the City of San Francisco over the most scenic and convenient streets to south on Highways 101, 280, and 17, then south on Highway 1 to Monterey, 17 mile drive, Carmel, and return.

Issued by California Public Utilities Commission.

Decision 93744, Applications 57412, 57416, and 57620.

Appendix A
(D.87001)

Ronald H. Davis
dba
MINI CHARTER
(PSC-1013)

Original Page 8

SECTION III. TOUR DESCRIPTIONS - FROM ALAMEDA COUNTY.

Tour 1 - San Francisco

Commencing from the passengers' hotel or motel in Alameda County, then over the most scenic and convenient streets and highways to the various points of interest, and return.

Tour 2 - Night Tour of San Francisco

The route shall be the same as Route 1.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision 93744, Applications 57412, 57416, and 57620.