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Decision 93801 DEC - 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of PINETREE SERVICE CORPORATION,)
INC., a California corporation,)
for a certificate of public con-)
venience and necessity to operate)
a sightseeing tour between points)
in Los Angeles and Orange Counties)
on the one hand and various points)
of interest in Los Angeles and)
Orange Counties on the other hand.)

Application 60094
(Filed November 19, 1980)

ORDER ON REHEARING

By Decision (D.) 92763 dated March 3, 1981 in Application (A.) 60094, this Commission granted a certificate of public convenience and necessity to Pinetree Service Corporation, Inc. (Pinetree) after concluding that a public hearing was not necessary. A petition for rehearing was thereafter filed by The Gray Line Tours Company (Gray Line), a protestant in A.60094, alleging that a full evidentiary hearing was required by Public Utilities (PU) Code Section 1032; that granting the certificate was violative of due process and equal protection; and that D.92763 contained insufficient findings of fact and conclusions of law.

By D.93099 dated May 19, 1981, the Commission modified certain portions of the discussion in D.92763 and granted the application with respect to proposed tours A, B, and D. A limited rehearing was granted with respect to the receipt of evidence on the issue of whether Pinetree should be granted a

certificate of public convenience and necessity to operate sightseeing tours for tours C, D, E, F, G, and I, which had previously been granted in D.92763. Gray Line thereafter filed a petition for rehearing of D.93099 as to the denial of a rehearing with respect to Pinetree's proposed tour A, alleging the finding in D.93099 that the majority of the attractions included in tour A are not included in Gray Line's comparable tours was erroneous. The petition for rehearing of D.93099 was denied on August 4, 1981 in D.93394.

On September 15, 1981 communication was received from counsel for both Pinetree and Gray Line wherein the parties agree to the following restriction being imposed by the Commission on Pinetree's proposed tour C:

"Pinetree's buses will enter and depart that area in the City of Beverly Hills bounded by Beverly Drive, Santa Monica Boulevard, Camden Drive and Charleville Boulevard via Wilshire Boulevard and in all other respects shall be restricted from proceeding to or from any other point within said City. On the assumption that the restriction is agreeable with the Commission, Gray Line states it is withdrawing as a protestant in these proceedings."

By D.93726 in A.59818 et al. issued November 13, 1981 we ✓
found sightseeing-tour service was not passenger stage corporation
service. However, as that decision is not yet effective, and this
matter was pending prior to that decision, we will issue a certificate.

Findings of Fact

1. Pinetree was granted a certificate of public convenience
and necessity to operate a common carrier passenger stage service
for nine sightseeing tours in D.92763 dated March 3, 1981.

2. Protestant Gray Line filed an application for rehearing
of D.92763 on March 23, 1981, alleging inter alia that the
granting of a certificate without a full evidentiary hearing
was violative of PU Code Section 1032, and of due process.

3. D.93099 dated May 19, 1981 granted Pinetree a certificate of public convenience and necessity to operate sightseeing tours A, B, and D.

4. D.93099 granted Gray Line a limited rehearing of D.92763 with respect to Pinetree's proposed sightseeing tours C, E, F, G, H, and I only.

5. Prior to the rehearing, Gray Line and Pinetree entered into an agreement whereby Pinetree agreed to a restriction being imposed by the Commission upon its proposed tour C, as set forth on page 2 of this order, and Gray Line agreed to withdraw as a protestant to the application as a condition of Pinetree's acceptance of the restriction.

Conclusion of Law

Since Gray Line, the sole protestant, has withdrawn its protest, there is no need to conduct a public rehearing on the issue of Pinetree's proposed tours C, E, F, G, H, and I and the application should be granted with respect to such proposed tours in accordance with the ensuing order.

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Pinetree Service Corporation, Inc., a corporation, authorizing it to operate as a passenger stage corporation, as defined in PU Code Section 226, for the following six sightseeing tours, fully described in Appendix A, in addition to those authorized in D.93099 dated May 19, 1981:

Tour

- C City Tour and Beverly Hills Shopping Tour
(with restriction as set forth on page 2
of this order).
- E Santa Anita - Oak Tree
- F Hollywood Park
- G Dodger Stadium
- H Shopping Tour, Luncheon, and Newport Harbor
Cruise
- I Gardens Tour, Luncheon, and Fashion Show
and Shopping, Newport Beach

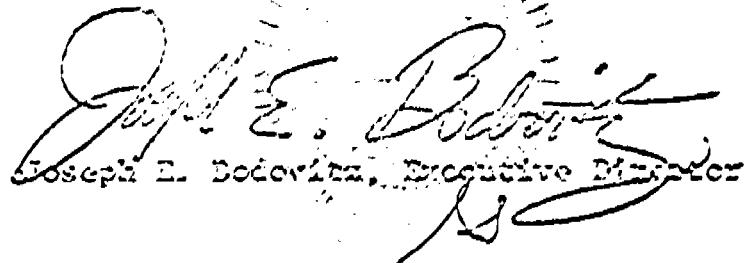
2. Ordering Paragraph 2 of D.92763 dated March 3, 1981
remains in full effect and force.

This order becomes effective 30 days from today.

Dated DEC 1 1981, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR L. LINO
FRANCIS M. CREW
Commissioners

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


Joseph E. Bodovitz, Executive Director

SECTION 3. TOUR DESCRIPTIONS.

TOUR DESCRIPTIONS

- A. LOS ANGELES CITY TOUR: Commencing from pickup points in Los Angeles County as described in Section 2, then over the most appropriate and convenient routes stopping at points of interest: El Pueblo Historic Park, Los Angeles Civic Center, Chinatown, Little Tokyo, San Antonio Winery, La Brea Tar Pits, Farmer's Market, Mann's Chinese Theatre, and Hollywood Bowl, and return to points of origin.
- B. MUSEUM, CITY, AND LUNCHEON TOUR: Commencing from pickup points in Los Angeles County as described in Section 2, then over the most appropriate and convenient routes to the Los Angeles County Museum of Art and George Page Museum, the J. Paul Getty Museum, and the Norton Simon Museum of Art in Pasadena, and luncheon at various restaurants, and return to points of origin.
- *C. CITY TOUR AND BEVERLY HILLS SHOPPING TOUR: Commencing from pickup points in Los Angeles County as described in Section 2, then over the most appropriate and convenient routes to Beverly Hills main streets, and return to points of origin (see Section 1, Restriction d).
- D. DINNER AND EVENING CITY TOUR: Commencing from pickup points in Los Angeles County as described in Section 2, then over the most appropriate and convenient routes to various restaurants in Los Angeles County for dinner, and return to points of origin.

Issued by California Public Utilities Commission.

*Added by Decision 93801, Application 60094.

SECTION 3. TOUR DESCRIPTIONS. (Continued)

TOUR DESCRIPTIONS

- *E. SANTA ANITA-OAK TREE: Commencing from pickup points in Los Angeles and Orange Counties as described in Section 2, then over the most appropriate and convenient routes to Santa Anita Race Track in Arcadia, and return to points of origin.
- *F. HOLLYWOOD PARK: Commencing from pickup points in Los Angeles and Orange Counties as described in Section 2, then over the most appropriate and convenient routes to Hollywood Park in Inglewood, and return to points of origin.
- *G. DODGER STADIUM: Commencing from pickup points in Los Angeles County as described in Section 2, then over the most appropriate and convenient routes to Dodger Stadium in Los Angeles, and return to points of origin.
- *H. SHOPPING TOUR, LUNCHEON, AND NEWPORT HARBOR CRUISE: Commencing from pickup points in Orange County as described in Section 2, then over the most appropriate and convenient routes to Lido Village and Newport Harbor in Newport Beach, and return to points of origin.
- *I. GARDENS TOUR, LUNCHEON, FASHION SHOW AND SHOPPING, NEWPORT BEACH: Commencing from pickup points in Orange County as described in Section 2, then over the most appropriate and convenient routes to Rogers Gardens and Fashion Island in Newport Beach, and return to points of origin.

Issued by California Public Utilities Commission.

*Added by Decision 93801, Application 60094.