

Decision 93868 DEC 15 1981**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application )  
of Robert S. Jagelski for a Cer- )  
tificate of Public Convenience )  
and Necessity authorizing the )  
Applicant to operate a passenger )  
stage service, with sightseeing )  
tours available to the public )  
between points in San Jose, )  
Carmel, and wine country. Pur- )  
suant to the provisions of )  
section 1031 et seq. of the )  
Public Utilities Code of the )  
State of California. )

Application 60822  
(Filed August 17, 1981)

INTERIM OPINION

Robert S. Jagelski (applicant), requests a certificate of public convenience and necessity under Public Utilities Code Section 1031 to conduct sightseeing-tour operations. Applicant proposes to operate the following service:

Daily round-trip tours on an on-call basis which will provide guided sightseeing service between hotels and motels within the Cities of Sunnyvale, Santa Clara, and San Jose, on the one hand, and various points of interest in the Monterey and Carmel areas, and the wineries within the Counties of Santa Clara and Santa Cruz, on the other hand.

In Decision (D.) 93726 in Application 59818 et al. issued November 13, 1981, we found that sightseeing-tour service over a loop is not that of a passenger stage corporation. However, the portion of that decision completely eliminating our regulation over sightseeing-tour carriers will not become effective until after judicial review. We announced in D.93726 that during this transitional period we would grant pending applications ex parte with

temporary operating authority upon showing that applicant had adequate public liability insurance. Accordingly, we will grant this application. Applicant must file evidence of the required minimum insurance coverage set by General Order 101 before operations begin.

Findings of Fact

1. The proposed operations are sightseeing-tour service over a loop.
2. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

Temporary operating authority should be granted. Since there is an alleged need for the proposed service and liability insurance set by General Order 101 will be required before operations begin, the following order should be effective today.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

INTERIM ORDER

IT IS ORDERED that:

1. Robert S. Jagelski is granted a temporary certificate of public convenience and necessity to operate over the routes proposed in the application until further order of the Commission and is assigned Passenger Stage Corporation (PSC) No. 1196. A permanent certificate prepared by this Commission may be issued by a final order.

## 2. Applicant shall:

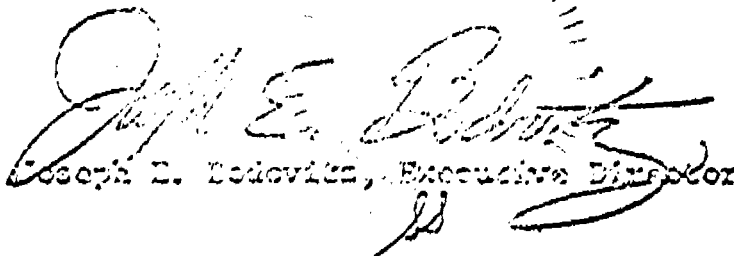
- a. File a written acceptance of this authority within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. State in his tariffs and timetables when service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

This order is effective today.

Dated DEC 15 1981, at San Francisco, California.

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

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

  
 Joseph E. Bodovick, Executive Director