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Decision 95-07-023 July 19, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Starline Sightseeing Tours, Inc.,)
and Gray Line Tours Company, Inc.)
to obtain appropriate relief and)
exemption from the requirements of)
Article 6 of the Public Utilities)
Code.)

ORIGINAL

Application 94-05-041
(Filed May 13, 1994)

O P I N I O N

Applicants, Starline Sightseeing Tours, Inc. (Starline) and Gray Line Tours Company, Inc. (Gray Line) request approval or, in the alternative, exemption from any required Commission approval, of a reorganization plan allegedly ordered by the United States Bankruptcy Court. Applicants do not believe the Commission has jurisdiction over these transactions. However, should the Commission exert jurisdiction, applicants argue that since there is adequate public service, sightseeing service and airport service to major airports, the reorganization plan should be exempt because it is not a matter of public interest, citing In re Grayhound Lines, Inc., D.92-04-065 and In re SuperShuttle, 28 CPUC2d 348.

On June 29, 1994 and December 21, 1994, Airport Cruiser Inc. and two Ground Systems Inc. shareholders, Manual Reynoso and Torben Thams, filed a joint protest citing inaccuracies and misrepresentations in the application.

On February 6, 1995, applicants filed a notice of withdrawal of the application. Applicants indicate that Grayline's assets were seized and sold by the Internal Revenue Service on November 4, 1994. Applicants' counsel subsequently indicated that the operating authority was also sold and it was unlikely that it would be used in the future. On March 7, 1995, the assigned

Administrative Law Judge sent a confirming letter to applicant regarding the inactive authority.

Applicants no longer have assets to transfer; therefore, the request to withdraw the application is granted. Applicants' operating authority has also been sold and will not be used in the future; therefore, we will cancel it.

Findings of Fact

1. Applicants request approval to transfer operating authority, PSC 522, or in the alternative, exemption from Commission requirements under PU Code Sections 851, 852, and 854, which mandate Commission approval of the transfer of utility assets. Applicants also request approval to implement a reorganization plan allegedly ordered by the United States Bankruptcy Court.

2. On June 30, 1994, Airport Cruiser Inc., applicants' largest unsecured creditor, filed a protest to the application alleging inadequate financing of both applicants and irregularities in the application.

3. On December 21, 1994, Manual Reynoso and Torben Thams filed a protest to the application. These parties allege inaccuracies in the application.

4. On February 7, 1995, applicants notified the Commission that all of their assets were sold pursuant to an IRS seizure. Applicants request to withdraw the application. Applicants' attorney represents that the operating authority was sold and will not be used in the future.

Conclusions of Law

1. The application should be dismissed.
2. Applicants' operating authority, PSC 522, should be cancelled in 30 days.

ORDER

IT IS ORDERED that this application is dismissed and PSC 522 is cancelled 30 days from the effective date of this order. This order is effective today.
Dated July 19, 1995, at San Francisco, California.

DANIEL Wm. FESSLER
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
Commissioners

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

Wesley Franklin

Acting Executive Director