

Decision 98-09-063 September 17, 1998

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of PCSTC, INC.,
doing business as PACIFIC COAST
SIGHTSEEING TOURS AND CHARTERS for an
Extension of its Passenger Stage Certificate #1411
to include Huntington Beach in its Route "D"
authorized "LOOP-TYPE SHUTTLE SERVICE"
between the Five-City Origin Territory and points
in Orange County.

Application 98-06-009
(Filed June 2, 1998)

OPINION

Summary

The application of Pacific Coast Sightseeing Tours and Charters (PCSTC) to extend its passenger stage certificate to include an area contiguous to its present route is granted.

Discussion

PCSTC holds a passenger stage certificate (PSC-1411) to operate a continuous loop-type shuttle service between the Cities of Anaheim, Buena Park, Fullerton, Garden Grove, and Orange to San Clemente. On PCSTC's vehicles passengers may get off the bus at any stop and reboard whenever they choose. PCSTC also holds a Class A charter-party certificate and a round-trip sightseeing permit (TCP-1411-A and S).

In Resolution ALJ 176-2995 (6/18/98) the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were necessary. Notice of the application appeared on the

Commission's Calendar on June 12, 1998. There have been no protests. Given this status the assigned Commissioner, pursuant to Rule 6(a)3 of the Commission's Rules of Practice and Procedure (Rules) has ruled that a hearing is not necessary. (Rule 6.5(b).) This Ruling is approved by the action of the Commission in signing this opinion.

By this application PCSTC wishes to extend its present service to the adjacent City of Huntington Beach. The extension would be approximately three-and one-half miles and would take approximately ten minutes. Attached to the application are documents showing that PCSTC has the financial ability and the equipment to perform the requested service.

PCSTC also asks that the \$500.00 filing fee for this application be waived, pursuant to Public Utilities (PU) Code § 1036(a). That statute states that the filing fee applies

"...unless the applicant is already operating in the immediate vicinity under the jurisdiction of the commission."

That is certainly the fact in the present application, since the requested authority would be an extension of the present service by the existing equipment. Therefore, the \$500.00 filing fee set forth in Section 1036(a) is not applicable.

PU Code § 1904(a) provides as follows:

"The commission shall also charge and collect the following fees: Except as otherwise provided in Sections 1010 and 1036 for filing each application for a certificate of public convenience and necessity, or for the mortgage, lease, transfer, or assignment thereof, seventy-five dollars (\$75.00)."

Since the filing fee stated in Section 1036(a) is not applicable, the fee of \$75.00 set forth in Section 1904(a) is applicable. (See also the table of filing fees attached to our Rules of Practice and Procedure.)

Findings of Fact

1. PCSTC holds a passenger stage certificate from this Commission
2. PCSTC asks for an extension of its authority to operate in a contiguous area, using the same equipment which it now operates under existing authority.
3. PCSTC has the financial ability to provide this service.
4. PCSTC asks waiver of the \$500.00 filing fee otherwise required under PU Code § 1036(a) on the basis that it will be operating in the immediate vicinity of its existing service.
5. This matter was preliminarily categorized as ratesetting and in need of a hearing.
6. Notice of the application appeared on the Commission's Calendar on June 12, 1998. There are no protests.
7. The assigned Commissioner has ruled that a hearing is not necessary and that the preliminary categorization requiring a hearing should be changed.

Conclusions of Law

1. The preliminary categorization of this matter as requiring a hearing should be changed to one in which a hearing is not necessary. The Ruling of the assigned Commissioner should be approved.
2. The extension of service requested herein will not be adverse to the public interest.
3. The application requests service to an area in the immediate vicinity of PCSTC's existing regulated service area, as the term "immediate vicinity" is used in Section 1036(a).

4. The \$500.00 fee otherwise required for this application is waived as permitted by Section 1036(a).

5. A filing fee of \$75.00, pursuant to Section 1904(a), is required.

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 any of these rights at any time.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity granted to Pacific Coast sightseeing Tours And Charters, Inc. (applicant), a corporation, authorizing it to operate as a passenger stage corporation, as defined in Public Utilities (PU) Code Section 226, to transport persons and their baggage between the points and over the routes set forth in Appendix PSC-1411 of Decision 92-08-062, is further amended by replacing First Revised Page 6 with Second Revised Page 6, subject to the conditions contained in the following paragraphs.

2. Applicant shall:

- a. File a written acceptance of this certificate 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 the 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 (GO) Series 101, 104, and 158, and the California Highway Patrol (CHP) safety rules.
- e. Comply with the controlled substance and alcohol testing certification program pursuant to PU Code § 1032.1 and GO Series 158.

- f. Maintain accounting records in conformity with the Uniform System of Accounts.
- g. Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.
- h. Comply with PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- i. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. Before beginning service to any airport, applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are also authorized by the airport's governing body.

4. Applicant is authorized to begin operations on the date that the Rail Safety and Carriers Division mails a notice to applicant that their evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of applicant's vehicles for service.

5. The amended certificate of public convenience and necessity to operate as a passenger state corporation granted herein, expires, unless exercised within 120 days after the effective date of this order

6. The Ruling of the assigned Commissioner that a hearing is not necessary issued pursuant to Rule 6.5(b) is affirmed.

7. Applicant shall pay a filing fee of \$75.00.

8. The Application is granted, as set forth above.

9. Since there have been no protests, the effective date of this order shall be the date of signing.

10. This proceeding is closed.

This order is effective today.

Dated September 17, 1998, at San Francisco, California.

RICHARD A. BILAS
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners

SECTION 3. ROUTE DESCRIPTIONS (concluded).

Route C-1 South Coast Plaza/Newport Beach

Commencing at South Coast Plaza, 3333 Bristol St., Costa Mesa, then over and along the most convenient street and highways to the following points:

- Newport Resort, 1107 Jamboree Road, Newport Beach;
- Sheraton Newport Hotel, 4545 MacArthur Blvd., Newport Beach;
- Registry Hotel, 18800 MacArthur Blvd., Irvine;
- Airporter Inn, 18700 MacArthur Blvd., Irvine;
- Irvine Marriott, 18000 Von Karman, Irvine and
- Westin South Coast Plaza Hotel, 666 Anton Blvd., Costa Mesa.

Route C-2 South Coast Plaza/Leisure World

Commencing at South Coast Plaza, 3333 Bristol St., Costa Mesa, then over and along the most convenient street and highways to Leisure World, 23522 Paseo De Valencia, Laguna Hills.

*Route D Five Cities/San Clemente

Commencing from any point in the Five City Territory, as described in Section 2, then over the most convenient streets to Interstate (I) 5, Highway (Hwy) 55, I-405, Hwy 1, I-5 and then to San Clemente, with intermediate stops at the following points:

- South Coast Plaza Shopping Center, Cost Mesa;
- Fashion Island, Newport Beach;
- *Huntington Beach;
- Laguna Beach;
- Dana Point and
- San Juan Capistrano.

Issued by California Public Utilities Commission.

*Revised by Decision 98-09-063, Application 98-06-009