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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA

In the Matter of the Application of Open Top Sightseeing Los Angeles, LLC, a Delaware limited liability company, for a Certificate of Public Convenience and Necessity to Operate as Passenger Stage Corporation providing Scheduled Service Between Points in Los Angeles County and to Establish a Zone of Rate Freedom for the Provision of such service.

Application No. A1011016

**AMENDED PROTEST OF SCREAMLINE INVESTMENT CORPORATION dba  
TOUR COACH TRANSPORTATION**

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Dated: December 30, 2010

Attorneys for Protestant

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA

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COMES NOW, SCREAMLINE INVESTMENT CORPORATION dba TOUR COACH TRANSPORTATION ("Protestant"), a California corporation and Passenger Stage Corporation, pursuant to Rule 1.12 and Article 2 (Rule 2.6) of this Honorable Commission's Rules of Practice and Procedure ("PUC Rules"), who hereby amends its preliminary protest and objection to defective Application No. A1011016 and alleges as follows:

**1. Identity of Protestant.**

The legal name and mailing address of Protestant is:

Screamline Investment Corporation  
dba Tour Coach Transportation  
2130 S. Tubeway Avenue  
Commerce, CA 90040

**2. Attorney for Protestant.**

The legal counsel for Protestant and law firm to whom all correspondence, pleadings and orders regarding this matter should be sent, is:

Mohammed K. Ghods, Esq.  
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**3. Identity of Applicant.**

The applicant is OPEN TOP SIGHTSEEING LOS ANGELES, LLC ("Open Top"), a Delaware limited liability company, whose alleged officer and address are:

Anders Nielsen, President  
Open Top Sightseeing Los Angeles, LLC  
5500 Tuxedo Road  
Hyattsville, Maryland 20781  
Telephone (202) 476-0777  
E-mail: [anders@opentopsightseeing.com](mailto:anders@opentopsightseeing.com)

Applicant's legal representative regarding this matter is:

William D. Taylor, Esq.  
HANSON BRIDGETT LLP  
500 Capitol Mall, Suite 1500  
Sacramento, CA 95814  
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E-mail: [wtaylor@hansonbridgett.com](mailto:wtaylor@hansonbridgett.com)

**4. Defective Service of Application/Lack of Proper Notice.**

As Protestant pointed out in its Preliminary Protest and discusses further below, the Application's proof of service shows that none of the municipalities affected by Applicant's proposed service were given notice of the Application as mandated by PUC Rule 3.3(b). The docket shows that Applicant has not filed the notice of application required by the same rule either.

**5. Relief Sought.**

Protestant files this Amended Protest to supplement its preliminarily protest and objection (which was filed December 15, 2010 as a precaution), requesting that said Application be denied in whole on the grounds set forth herein, namely, that said Application contains false and incomplete statements which are intended to mislead the Commission in ruling on said Application, that Applicant is not financially or operationally able to render the proposed service (and/or has failed to show itself to be financially and operationally fit), that said Application is not justified and that said Application adversely effects Protestant and the public.

As discussed below, Protestant disagrees with Applicant regarding, *inter alia*, the need for a public hearing on the Application, the issues to be considered in this proceeding, and the proposed schedule for proper consideration of the Application. Protestant also requests that a public evidentiary hearing be held on said Application so that Protestant may present further evidence to support its request for denial of the Application.

**6. Legal Basis for Relief.**

Protestant hereby files this Amended Protest and requests that the matter be set for public hearing pursuant to the following:

California Public Utilities Code § 1032, which provides that every applicant for a certificate of public convenience and necessity shall file in the office of the Commission an application therefor in the form required by the Commission, and which grants this Commission authority, with or without a hearing, to refuse to issue the requested certificate.

California Public Utilities Code § 1701, which grants this Commission authority to adopt rules of practice and procedure to govern hearings, investigations, and proceedings.

California Public Utilities Code § 1702, which authorizes any corporation or person to make complaint against any act or thing, done or omitted to be done, by any public utility, in violation of any provision of law or of any order or rule of the Commission.

PUC Rules, Article 1, Rule 1.1, which provides that any person transacting business with the Commission shall never mislead the Commission or its staff by an artifice or false statement of fact or law.

PUC Rules, Article 2, Rule 2.6, which provides Protestant herein with authority to file a protest objecting to the granting of the application and requesting a public hearing thereon, within 30 days after the date that notice of the filing of the application first appears in the Daily Calendar.

PUC Rules, Article 1, Rule 1.12, which provides Protestant herein with authority to file an amended protest to the granting of said Application at any time prior to the issuance of the scoping memo.

**7. Factual Basis for Relief.**

A. On or about November 24, 2010, Applicant filed its Application No. A1011016 seeking a certificate of public convenience and necessity under Public Utilities Code §1031 and to establish a zone rate of freedom (ZORF) under Public Utilities Code § 454.2. The filing of Application No. A1011016 was first noticed in the Daily Calendar on November 30, 2010. Because Applicant had proposed a schedule requiring protests to the Application to be filed by December 15, 2010, in violation of PUC Rules, nevertheless as a precaution and without waiving any rights, Protestant filed a Preliminary Protest and Objection to said Application on December 15, 2010, which was within thirty (30) days of November 30, 2010 and was therefore timely.

B. Pursuant to its Preliminary Protest, Protestant alleged, *inter alia*, that the Application proposed illegal and prejudicial deadlines (including a seriously abbreviated deadline for filing protests) purportedly based on false grounds, was not properly noticed as mandated by PUC Rule 3.3(b), and was therefore improper and should have been dismissed as being non-compliant with PUC Rules. Protestant also stated in its Preliminary Protest that it had several additional grounds for objecting to the granting of the Application, including but not limited to, its contention that there is no public need and necessity for such requested operation. Protestant stated in its Preliminary Protest that in the event that the Application was not dismissed, Protestant would file a supplement to its protest by December 30, 2010. Accordingly, this Amended Protest is being filed within thirty (30) days of November 30, 2010, which is the date the Application was first published in the Daily Calendar, and is therefore timely pursuant to PUC Rule 2.6(a).

C. Protestant amends its Preliminary Protest and objects to the granting of the Application, or any part thereof, on the following grounds, and if given the opportunity, will present factual evidence at public hearing supporting its contentions that:

1. Application No. A1011016 contains false, incomplete and/or intentionally misleading information which permeates the entire Application, thereby rendering it untrustworthy, uncertain, and in violation of the Honorable Commission's Rules of Practice and Procedure, Article 1, Rule 1.1. In light of such purposeful misinformation and incompleteness, which is discussed in much greater detail below, the integrity of the Commission's proceedings is jeopardized and the Commission should immediately deny the Application without wasting more of the Commission's scarce resources by processing this inaccurate, incomplete and misleading Application through a public hearing.

For instance, when it comes to discussing operations, Applicant advises that it is a brand new entity and tries to bootstrap itself onto the back of its purported Managing Member or other affiliated companies as if they were all one and the same. Yet, Applicant is plainly not the same as any of these separate entities, the specifics of their relationships are not provided, and Applicant has not provided any of their financial or operational information either. Incredibly, though, Applicant has the audacity to assert that no public hearing is necessary because allegedly its "financial and operational fitness to provide the proposed service are [sic] beyond dispute." (Application, page 3) Applicant's blatant lack of candor itself is sufficient reason to deny the Application.

Applicant should not be allowed to escape or bypass the clear requirements of the rules of this Honorable Commission to acquire a passenger stage certificate. To allow a deficient application such as this one to be processed and heard as if it were proper would effectively ignore the public policy of the State of California and the Commission's own rules which mandate

complete and honest disclosure under oath in all applications filed with the Commission. This Honorable Commission must preserve the integrity of this Commission's procedures and rule making authority by enforcing these requirements. If this Honorable Commission were to process an incomplete application full of falsehoods and known omissions without investigation, such a precedent would call into question the Commission's requirements for submission of true information under oath in the documents submitted to the Commission for consideration and ultimately cause irreparable harm to the Commission's ability to effectively govern the public utilities in California, thereby endangering the travelling public.

2. The Application does not comply with or satisfy PUC Rules 2.3 and 3.3(a)(9) (Financial Statement/Ability). The financial information submitted in support of the Application (Exhibit 3) fails to supply any of the information required by PUC Rules 2.3(a)-(h), as made further applicable by PUC Rule 3.3(a)(9). Applicant, as a newly formed entity with admittedly no track record operationally or financially, merely submitted a pro forma financial statement that is entirely speculative, incomplete, unaudited, not prepared according to generally accepted accounting principles, untrustworthy, confusing, and apparently designed to mislead the Commission. It is impossible to determine the financial viability of Applicant from the skeletal information provided. In fact, the balance sheet mandated by Rule 2.3(h) has not even been provided. Nor has any of the information required by Rule 2.3(a)-(g) been provided. Among the unanswered basic questions are:

What is Applicant's net worth?

How is it capitalized?

Who or what owns it?

What debt does it owe and to whom?

What capital does it have available to devote to the proposed service?

Does it own or lease the equipment needed to operate?

What are its true fixed overhead costs? etc., etc.

Furthermore, the only "financial statement" provided by Applicant (Exhibit 3) is not a financial statement at all, but rather comprises a proposed "budget" containing nothing more than vague projections of unknown origin, with undisclosed assumptions, and a pie-in-the-sky projected net income of over 25% of sales. Even as a projection, it presents more questions than it answers:

What are any and all of these numbers based on?

Where do these sales projections come from?

How reliable/attainable are the passenger count projections?

Why is there no variability in such obviously variable expenses as fuel costs?

Why does Applicant plan incur \$4,000 per month in attorneys' fees?

Who is the management fee paid to and for what services?

Every line item in the "budget" is necessarily based on assumptions that are not provided, not historical real operational figures, making the numbers presented nothing more than a guess by a brand new entity with no operational experience.

And, as discussed in more detail below, these projected numbers are completely meaningless without disclosure and consideration of the actual routes that are to be run by Applicant, how often they will be run, and what equipment and manpower will be used to generate these numbers. Nor has Applicant indicated where it proposes to operate from and what facilities it will use. None of this information is provided anywhere in the Application. Without such basic information, such as how many times Applicant will run what specific routes, it is impossible to project how many passengers Applicant will carry or at what rate, let alone how much it will cost Applicant to operate such service.

The financial statement provided by Applicant, a prospective pro forma only, does not contain any real financial information, is based on undisclosed and unrealistic assumptions, and is woefully insufficient to adequately inform the Commission regarding the true financial condition of Applicant, and hence its financial fitness to offer the proposed service.

3. The Application does not comply with or satisfy PUC Rule 2.4 (CEQA Compliance).

Notwithstanding Applicant's assertion to the contrary, the granting of the Application would adversely and significantly impact the environment by allowing an additional carrier and its numerous buses to enter a highly competitive territory that is already being satisfactorily serviced by other carriers, shuttles, limos and taxis. The end result would be more, not less, vehicles on the roadways, but with each vehicle carrying fewer passengers.

Nor has Applicant presented any information regarding the location it will operate from and what facilities it will build, buy, or lease to store and maintain its fleet of buses. Nor has Applicant identified what routes it will routinely run, what stops it will make, or how often it will run these routes, as discussed below. Without having provided such foundational information about its proposed operations, it is impossible for Applicant to have provided the Commission with the information required by PUC Rule 2.4 and the Commission's own Information and Criteria List, Section V. Simply stated, Applicant's PEA is woefully inadequate to allow the Commission to make a finding that it can be seen with certainty that there is no possibility the project in question may have a significant adverse effect on the environment. Applicant's proposed operations cannot even be clearly ascertained, let alone their impact on the environment.

Perhaps mindful that its PEA is vacuous, Applicant cites a few PUC decisions as alleged support for the general proposition that the PUC is only

concerned about environmental issues when construction of facilities is involved. Not only has Applicant failed to show what proposed facilities it intends to use for its proposed service, but with the exception of the *Catalina Freight Line* decision, all of the decisions cited by Applicant involved situations where no protests to the applications were filed. As with most unopposed applications, the Commission simply approved the applications because there was no meaningful challenge to the conclusory assertions made therein. It did not make the pronouncements that Applicant attributes to such decisions.

The *Catalina Freight Lines* decision, on the other hand, involved a protested application, and the applicant there presented specific factual information regarding the potential environmental impact of its service, not just conclusory statements to that effect. The present Application is void of any such detail and thus deficient.

4. The Application does not comply with or satisfy PUC Rules 3.3(a)(2), (4), (5) & (7) (Scope of authority requested, proposed routes, etc.).

PUC Rule 3.3(a) mandates that applications contain very specific information regarding the proposed service, including, *inter alia*, “(2) [t]he specific authority requested ... (4) [t]he geographical scope of the proposed operation, including the termini and other points proposed to be served, and a concise narrative description of the proposed route, ... (5) [a] map or sketch of the route and points to be served, drawn to suitable indicated scale, and showing present and proposed operation by distinctive coloring or marking, ... [and] (7) [a] statement indicating the frequency of the proposed service.” PUC Rule 3.3(a)(2), (4), (5), (7) [Emphasis added.] Applicant has failed to provide sufficient information in all of these areas.

First, the specific authority requested is unclear. Applicant appears to want to offer a “Hop On/Hop Off” scheduled tour service that permits passengers

to “exit and board Applicant’s buses as they please.” (Application, page 4) Surely, the safety of the travelling public prohibits the grant of such a generalized authority. Yet, Applicant fails to identify exactly where passengers will be allowed to board or exit buses, how that can be accomplished safely, what stops will routinely be made and how often. Applicant hides the ball as to the specifics of exactly what service it is planning to offer.

For example, the geographical scope depicted on Exhibit 4 to the Application is nondescript. It appears to be merely a map of portions of Southern California, but with no specific proposed routes, stops, bus terminal, etc., even identified thereon. Applicant then lists several proposed destinations in and around LA and states that it will run at least three separately identified routes but will not disclose them until it files the tariff after approval of the Application. (Application, page 5) This plainly violates PUC Rules 3.3(a)(4) & (5). And, Applicant’s assertion that it will “utilize parking white zones that were already in existence or established in cooperation with the County Metropolitan Transportation District” fails to satisfy the mandates of PUC Rule 3.3(a)(4).

Lastly, Applicant’s purported attempt to address Rule 3.3(a)(7) is seriously deficient. Applicant suggests that it will start service at 9 A.M. (is that everyday all year long?) and “operate on a minimum turn-around schedule of its vehicles with the 30-minutes between the first departure at Stop 1, near the Information Center at Hollywood Boulevard.” (See Application, page 6) This is wholly unintelligible and incomplete on its face.

5. The Application does not comply with or satisfy PUC Rule 3.3 (a)(6) (Proposed fares).

While Applicant does provide a chart with its proposed fares (Application, page 5), this chart is ambiguous as to what route(s) the fares would apply to, as discussed above. Without knowing what the routes are, the proposed fares for

same are meaningless. Additionally, Applicant seeks to establish a ZORF of plus or minus \$10.00, which also renders the proposed rates non-binding and thus meaningless. Curiously, Applicant has not presented any information about competitors' rates, as was done in the *Catalina Freight Lines* decision. (06-03-007, page 7)

Given Applicant's demonstrated propensity to omit material facts from the Commission and its apparent desire to rely on undisclosed specifics regarding the "borrowed" management, operational expertise and possibly finances of entirely separate carriers, Protestant submits that Applicant's request that it "be afforded the broadest possible rate flexibility in order to compete" is not made in good faith for legitimate competitive purposes. To the contrary, it is highly likely that Applicant would misuse any such "flexibility" to harm and eventually eliminate competitors with cut-rate below-market fares if and when the requested rights are granted. That would harm, not benefit, the travelling public.

6. The Application does not comply with or satisfy PUC Rule 3.3 (a)(8) (Number and kind of equipment to be employed).

Applicant vaguely asserts that it will operate "up to 10 new Double-Decker buses to provide the service." (Application, page 6) Because Applicant has not provided the specifics as to how many routes it will run or how often it will run these routes, it is impossible to determine whether Applicant's "up to 10" buses are sufficient to provide the proposed service. Nor is any specific information about the buses provided either, in violation of Rule 3.3(a)(8). All that can be ascertained is that they will be new, approximately 80-passenger double-decker buses utilizing EPA07 engines. This is not enough information.

7. The Application does not comply with or satisfy PUC Rule 3.3 (a)(10) (Facts showing proposed service is required by public convenience and necessity).

Our PUC regulatory system is designed to foster competition to meet the public's need and the necessity for the proposed service – while at the same time protecting the environment. Under this scheme, it makes no sense to add another provider to an area that is already served by others to create more large vehicle traffic and its concomitant pollution, noise, fuel consumption, and waste. Applicant has totally failed to identify the routes it will serve, the existing service providers, evidence of actual need and necessity, and the adverse environmental impact of its proposed operations. The PUC's process is not meant to be a rubber stamp process. Substantive fact-based information about the market needs and existing providers must be provided by Applicant to allow a proper evaluation. Yet, there is a total failure on the part of Applicant to meet this burden in the Applicant. Without sufficient proof with proper evidence, the Commission must decide that there is no public need and necessity for the requested operation, and thus the Application is not justified.

Surprisingly, Applicant has not provided ANY support for its contention that the public desires or needs the service requested. The Commission should note that not one third party that Applicant proposes to service pursuant to the requested authorities has provided anything in support of the Application. Nothing at all is presented for consideration on this fundamental issue.

If given the opportunity, Protestant can present evidence at hearing that there is no public need or necessity for the proposed service and that Applicant is merely out to financially harm those carriers already offering tours and sightseeing services in the proposed area of service. Many other carriers (Protestant being one of them) operate tours and sightseeing services in the

same territories as those sought by the Application. Thus, the Application, if not denied, would have a significant adverse economic effect on current carriers. Applicant submitted no information in this regard. Yet, as discussed above, the burden is on Applicant to show public need and necessity, not Protestant to disprove it. Applicant has failed to meet its burden.

Additionally, it is common knowledge that the LA market is saturated and adequately serviced by existing carriers. Applicant admits that “[t]ours within the Los Angeles market are highly competitive.” (Application, page 6) Applicant presented no evidence of inadequate service in this already crowded and competitive market. To the contrary, Protestant can present evidence at hearing that unacceptable overcrowding and poor service, to the detriment of the traveling public, would occur if the Application is not denied. Protestant can and will also present evidence that such overcrowding creates an unsafe environment and tends to result in overly aggressive behavior among carriers.

D. Protestant repeats its objection to the schedule proposed by applicant. Specifically, Applicant’s proposed schedule (found on page 3 of the Application) does not comply with applicable PUC Rules and is therefore illegal. It is not only noncompliant but highly prejudicial to Protestant and other potential protesting parties. PUC Rule 2.6(a) provides:

(a) Unless otherwise provided by rule, decision, or General Order, a protest or response must be filed within **30 days** of the date the notice of the filing of the application first appears in the Daily Calendar, and shall be concurrently served on each person listed in the certificate of service of the application.

PUC Rule 2.6(a) [Emphasis added.]

The Application was filed on November 24, 2010. The Application’s filing was first noticed in the PUC’s Daily Calendar on November 30, 2010. Yet,

Applicant requested that any protests to the Application be due on or before December 15, 2010, which is only 15 days after the Application was first noticed in the Daily Calendar and significantly less than the 30 days provided by Rule 2.6(a). This prejudicial request does not appear to be an innocent oversight either because it was impossible for the Application filed on November 24<sup>th</sup> (at 4:59 p.m. on the day before Thanksgiving) to be noticed in any Daily Calendar on a day that was 30 days prior to December 15, 2010. Thus, Applicant knew that its proposed schedule did not comply with Rule 2.6(a) and, if adopted, would significantly abbreviate the time for filing protests. Nevertheless, Applicant went ahead and proposed it in any event. Such intentional rule violation should not be rewarded. (See PUC Rules 1.1, 1.8(b), 2.1(c) and Article 7)

Additionally, the purported reason for requesting such a prejudicial expedited schedule is not only legally insufficient, but frivolous on its face, also in violation of PUC Rules 1.1 and 1.8(b). As such, the proposed schedule appears to be designed solely to avoid and/or prejudice potential protesting parties during the busy holiday season. Specifically, on page 4 of the Application, Applicant states:

Applicant acknowledges that it has proposed a schedule where very little time is provided between the close of the protest period and the issuance of a Commission decision granting the instant application commence during the protest period [sic]. Applicant respectfully requests that the Application be approved as soon as possible so that the authority sought will be provided prior to the winter holidays when many visitors travel to the proposed service territory for a seasonal vacation or to attend year-end events throughout the area.

[Emphasis added.] Meanwhile, on page 3 of the Application, Applicant requests that the Commission issue its decision on the Application by January 15, 2011. Ignoring, for present purposes only, the additional mandatory time periods provided by other PUC Rules (such as Article 14 concerning adoption of and challenges to recommended decisions on applications), the proposed January

15<sup>th</sup> date itself is more than three weeks after Christmas and more than two weeks after New Year's Day. Even under Applicant's highly expedited proposed schedule, no authority would ever issue "prior to the winter holidays ... [and] year-end events ..." (assuming, of course, that Applicant was referring to the year 2010). The purported reason for the expedited schedule is therefore a ruse and completely bogus, even if the Commission had legal authority to adopt such an expedited schedule upon a timely showing of special circumstances and good cause, which Protestant submits is not the case here.

In sum, the Application proposes an expedited schedule based completely on false grounds, which not only violates numerous PUC Rules but, if adopted, severely shortens the amount of time Protestant and other protesting parties have to review the Application and prepare and submit thorough protests in opposition to the same, assuming they even received proper notice of the same in the first place. Protestant proposes the following alternative schedule instead, which adequately complies with PUC Rule 2.1(c):

December 30, 2010	Final day for submitting protests
June 15, 2011	Public hearings concluded
August 15, 2011	Proposed decision issued denying Application
September 15, 2011	Final Commission decision denying Application

E. Protestant repeats its objection that Applicant failed to provide and file the notice mandated by PUC Rule 3.3(b), which failure renders the November 24<sup>th</sup> filing and the Application itself wholly defective. PUC Rule 3.3(b) provides in pertinent part:

... The applicant [for a passenger stage certificate] shall also mail a notice that the application has been filed with the Commission to all

city and county governmental entities and regional transportation planning agencies within whose boundaries passengers will be loaded or unloaded. This notice shall state in general terms the authority sought, including the proposed routes, schedules, fares and equipment. Said notice shall also state that a copy of the application and related exhibits will be furnished by applicant upon written request. **A copy of the notice and a certificate of service shall be filed with the application.**

PUC Rule 3.3(b) [Emphasis added.]

The docket card for this Application (a true and correct copy of which was attached to Protestant's Preliminary Protest and Object as Exhibit "A") shows that no such notice was filed with the Application. As such, the necessary city governments potentially affected by the Application were not provided the notice of the Application and its proposed service that the law requires. In fact, Protestant cannot even determine from the Application which of the dozens of cities located within the Counties of Los Angeles and/or Orange Applicant proposes to load or unload passengers in, let alone when or where within such municipalities such service will be offered. This failure to comply with important PUC Rules renders the Application fatally defective.

F. Protestant, both here and in its preliminary protest, requests that one or more hearings be held on the Application to address, *inter alia*, the above-mentioned defects and/or grounds for denial of the Application.

If set for hearing, Protestant will present evidence and argument demonstrating, among other things, that Applicant is not fit to operated the proposed service, that the proposed service (to the extent ascertainable from a reading of the Application) is not necessary or convenient, that Protestant and other carriers will be economically harmed if the requested authority is granted,

and that the environment will be harmed by the addition of another carrier operating in the proposed territory.

**8. Conclusion.**

Protestant respectfully requests that the defective Application be dismissed or denied in whole on the grounds mentioned herein and/or in Protestant's preliminary protest for its blatant nonconformity with Commission Rules of Practice and Procedure.

In the event the Commission does not summarily reject the defective Application for lack of proper form, content, and/or notice, Protestant requests that the matter be set for public hearing and the Application denied because, among other things, the proposed operation is not required by public convenience and necessity as required by law. To the contrary, it appears that the authorities are being sought by Applicant and/or its Managing Member primarily for the purposes of intimidating and harming current service providers, with the goal of eliminating (not expanding) competition in the territory, which ultimately would harm the travelling public.

DATED: December 30, 2010

GHODS LAW FIRM

By:   
\_\_\_\_\_  
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WILLIAM A. STAHR  
Attorneys for Protestant  
2100 N. Broadway, Suite 101  
Santa Ana, CA 92706  
Telephone: (714) 558-8580

**VERIFICATION**

I, VAHID SAPIR, state:

I am an officer of Protestant Screamlane Investment Corporation dba Tour Coach Transportation, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to the matters which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30<sup>th</sup> day of December 2010, at Los Angeles, California.

  
\_\_\_\_\_  
VAHID SAPIR, President

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the county of Orange Sate of California. I am over the age of 18 and not a party to the within action; my business address is 2100 North Broadway, Suite 101, Santa Ana, California 92706.

On December 30, 2010, I served the foregoing document described as:

**AMENDED PROTEST OF SCREAMLINE INVESTMENT CORPORATION dba TOUR COACH TRANSPORTATION**

on the interested parties in this action.

**SEE ATTACHED SERVICE LIST BELOW**

As stated on the attached service list:

    X     **BY E-MAIL:** I transmitted an e-mail message with the document attached to each person named in the official service list who has provided an e-mail address.

    X     **BY MAIL:** I deposited such envelope in the mail at Santa Ana, California. The envelope was mailed with first class postage thereon fully paid as follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Santa Ana, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit on the interested parties in this action.

I declare under penalty of perjury under the laws of the State of California that foregoing is true and correct and was executed on December 30, 2010 at Santa Ana, California.

  
\_\_\_\_\_  
THERESA CHAN

**Protest of Screamline Investment Corporation dba Tour Coach Transportation  
To Application No: A1011016**

**Master Service List**

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