

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



FILED

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In the Matter of the Application of CitySightseeing Corporation, a Delaware corporation, for a Certificate of Public Convenience and Necessity to Operate as Passenger Stage Corporation providing Scheduled Service Between Points in San Francisco and Marin Counties and to Establish a Zone of Rate Freedom for the Provision of such service

A. 10-10-008

NOTICE OF EX PARTE COMMUNICATION

GOODIN, MACBRIDE, SQUERI,
DAY & LAMPREY, LLP
Thomas J. MacBride, Jr.
Suzy Hong
505 Sansome Street, Suite 900
San Francisco, CA 94111
Telephone: (415) 392-7900
Facsimile: (415) 398-4321
Email: tmacbride@goodinmacbride.com
Email: shong@goodinmacbride.com

Date: January 7, 2011

Attorneys for CitySightseeing Corporation

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OF THE STATE OF CALIFORNIA**

In the Matter of the Application of CitySightseeing Corporation, a Delaware Corporation for a Certificate of Public Convenience and Necessity to Operate as Passenger Stage Corporation providing Scheduled Service Between Points in San Francisco and Marin Counties and to Establish a Zone of Rate Freedom for the Provision of such service

A. 10-10-08

NOTICE OF EX PARTE COMMUNICATION

Pursuant to Rule 8.3 of the Commission’s Rules of Practice and Procedures, CitySightseeing Corporation, Applicant in the above-captioned matter, hereby files the following notice of ex parte communication.

On Wednesday, January 5, 2011, Thomas J. MacBride, Jr., counsel for Applicant, met with Kenneth Koss, Chief of Staff to Commissioner Timothy Simon at the Commission’s office in San Francisco. No other person participated in the meeting. The meeting began at 3:30 p.m. and lasted approximately 30 minutes.

During the meeting, Mr. MacBride expressed concerns over the protest of Open Top Sightseeing San Francisco, LLC (“Open Top”) filed in (1) A.10-10-008 and (2) applications by sightseeing companies similar to CitySightseeing. Mr. MacBride stated that while protests premised on safety requirements had merit, protests grounded in competitive concerns (whether expressly stated as such or not) were antithetical to the present Commission policy regarding open competition in the provision of ground

transportation, particularly recreational ground transportation. Mr. MacBride expressed doubt that the Commission would want to change its policy and mandate monopoly service to accommodate Open Top.

Mr. MacBride also noted that PU Code Section 5387 was not relevant to this proceeding since it only governed service under the Charter Party Act.

To obtain a copy of this notice, please contact Lisa Chapman at Goodin, MacBride, Squeri, Day & Lamprey, LLP, 505 Sansome Street, 9th Floor, San Francisco, California 94111, or telephone at (415) 392-7900.

Respectfully submitted this 7th day of January, 2011 at San Francisco, California.

GOODIN, MACBRIDE, SQUERI,
DAY & LAMPREY, LLP
Thomas J. MacBride, Jr.
505 Sansome Street, Suite 900
San Francisco, CA 94111
Telephone: (415) 392-7900
Facsimile: (415) 398-4321
Email: tmacbride@goodinmacbride.com

By: /s/ Thomas J. MacBride, Jr..
Thomas J. MacBride, Jr.

Attorneys for CitySightseeing Corporation

Service List A.10-10-008
Last Updated 12/7/10

DAVID A. GREENBURG
david.greenburg@sfgov.org

SUZY HONG
shong@goodinmacbride.com

WILLIAM D. TAYLOR, ESQ.
wtaylor@hansonbridgett.com

ANDERS NIELSEN
anders@opentopsightseeing.com

BOND M. YEE
bond.yee@sfmta.com

THOMAS J. MACBRIDE, JR., ESQ.
tmacbride@goodinmacbride.com

Paul Wuerstle
pwu@cpuc.ca.gov

Suong T. Le
stl@cpuc.ca.gov

Victor D. Ryerson
vdr@cpuc.ca.gov

GREGG BRAGG
CALIFORNIA HIGHWAY PATROL
PO BOX 942898
SACRAMENTO, CA 94289-0001

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