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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of San Francisco Deluxe Sightseeing, LLC for Passenger Stage Authority under Pub. Util. Code Section 1031 et seq. to transport passengers and their baggage on a regularly scheduled basis between various points in the City and County of San Francisco, and various points in the County of Marin; and to establish a Zone of Rate Freedom under Pub. Util. Code Section 454.2 et seq.

Application 10-08-025
(Filed August 30, 2010)

And Related Matters.

Application 10-09-005
Application 10-10-008

ADMINISTRATIVE LAW JUDGE'S RULING GRANTING REQUEST FOR EXTENSION OF TIME TO FILE ISSUE BRIEFS AND MODIFYING SCHEDULE

There are three separate Applicants in this consolidated proceeding; all three operate tour buses in and around the City and County of San Francisco. CitySightseeing Corporation (CitySightseeing) is a Delaware company, based in San Francisco at 2800 Leavenworth Street, #14. SF Navigatour, Inc., doing business as Super Sightseeing Tours (Super Sightseeing) is a California corporation based in San Francisco at 2627 Taylor Street. San Francisco Deluxe Sightseeing LLC (Deluxe Sightseeing) is a California Limited Liability Company (LLC) based in Millbrae at 88 South Broadway, Suite 2107. Applicants currently operate under Class "A" Charter Party Certificates (TCP-A).

Starting on August 30, 2010,¹ CitySightseeing, Deluxe Sightseeing and Super Sightseeing filed separate applications for a Certificate of Public Convenience and Necessity (CPCN) to operate as a Passenger Stage Corporation (PSC) providing scheduled service between points in San Francisco (City/County) and Marin County.² Super Sightseeing also requests authority to operate in Alameda County. Additionally, all three Applicants seek authority to establish a Zone of Rate Freedom (ZORF) and to provide their proposed service within that ZORF.

Open Top Sightseeing San Francisco, LLC (Open Top) a Delaware limited liability company, protested all three Applications.³ Open Top is a competitor of the Applicants and currently holds a CPCN to operate as a PSC.

A PHC was held on July 15, 2011. On August 26, 2011, the Assigned Commissioner, issued a Scoping Ruling setting forth the schedule for the proceeding. Pursuant to the Ruling the parties were to file briefs by September 12, 2011, with the Presiding Officer's Interim Decision to follow by October 31, 2011. On September 6, 2011 counsel for Open Top contacted the assigned Administrative Law Judge (ALJ) and requested an extension of time to file his client's brief. He indicated that he had spoken to counsel for the

¹ San Francisco Deluxe Sightseeing, LLC applied on August 30, 2010; SF Navigatour, Inc., applied on September 3, 2010; CitySightseeing Corporation applied on October 12, 2010.

² On February 10, 2011, the then presiding Administrative Law Judge, Victor D. Ryerson, granted Open Top's motion to consolidate all three applications.

³ On October 4, 2010 Open Top protested Deluxe's Application. On October 14, 2010, Open Top protested Super Sightseeing's Application. On November 15, 2010, Open Top protested CitySightseeing's Application.

Applicants and they did not oppose the extension. The request was memorialized in a letter, to the assigned ALJ, dated September 7, 2011.

The request for an extension of time is reasonable and will be granted. The procedural schedule is revised as follows.⁴

PROCEEDING SCHEDULE (REVISED)

Event	Date	
	Original	Revised
Prehearing Conference, Held	July 15, 2011	N/A
Discovery	Suspended	N/A
Issue Briefs (Concurrent), Filed	September 12, 2011	September 21, 2011
Presiding Officer's Interim Decision, Issued	By October 31, 2011	By November 10, 2011

IT IS RULED that:

1. The request for an Extension of Time is granted as set forth in this Ruling.
2. The Procedural Schedule is revised as set forth in the table contained in this Ruling.

⁴ The parties were informally notified of the outcome of this Ruling, on September 7, 2011, via email.

A.10-08-025 et al. WAC/acr

Dated September 14, 2011, at San Francisco, California.

/s/ W. ANTHONY COLBERT
W. Anthony Colbert
Administrative Law Judge