STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DIVISION OF PUBLIC UTILITIES AND CARRIERS
89 JEFFERSON BOULEVARD
WARWICK, RHODE ISLAND 02888

In Re: Newportravel, LLC
1225 Aquidneck Avenue
Middletown, Rhode Island 02842

Docket: 10 MC 33

Hearing Date: April 6, 2010

REPORT AND ORDER

On March 18, 2010, Newportravel, LLC ("Newport LLC" or "Applicant"), 1225 Aquidneck Avenue, Middletown, Rhode Island 02857, filed an application with the Rhode Island Division of Public Utilities and Carriers ("Division") seeking a common carrier "certificate of public convenience and necessity" ("CPCN") which authorizes the transportation of passengers, via jitney services, for compensation over regular routes between points within Newport and points between Newport and Bristol, Rhode Island. The application was filed pursuant to Section 39-13-3 of the Rhode Island General Laws.

A duly noticed public hearing on the application was held on April 6, 2010.

Appearances:

Mr. Carlos Cardoso, pro se, for the Applicant

Newport LLC proffered two witnesses in support of its application filing. In addition to the testimony from Mr. Cardoso, Newport LLC's sole member,

Newport LLC also presented testimony from Mr. David Drooker, the owner of two inns in Newport.

Two additional individuals appeared and offered comments in opposition to the instant application filing. These individuals were identified as Mr. Peter Garcia, the owner of Garcia Ventures Unlimited, Inc. ("Garcia Ventures"), which holds a Division-issued CPCN authorizing taxicab services in the city of Newport under the d/b/a "Newport City Taxi" (MC-T-351), and a Division-issued Certificate of Operating Authority ("COA") authorizing public motor vehicle services throughout Rhode Island under the d/b/a "Native Newporter Tours" (PMV-181); and Mr. George A. Oakley, the owner of Viking Motor Tours of Newport, Inc. ("Viking Tours"), which holds a Division-issued CPCN authorizing jitney services in Newport under the d/b/a "Viking Tours" (J-471).

APPLICABLE LAW

Section 39-13-3 of the Rhode Island General Laws provides in pertinent part as follows:

> *No person, association, or corporation shall operate a jitney until the owner thereof shall have obtained a certificate from the division specifying the route over which the jitney may operate, the number of passengers which it may carry at any one time, the service to be furnished, and that public convenience and necessity require operation over the route.*

The foregoing provision of Rhode Island law specifically applies to the Applicant's request for authority to transport passengers, by jitney service, for compensation over regular routes between points within Newport and points

between Newport and Bristol, Rhode Island. In short, under applicable Rhode Island law, Newport LLC must prove that *"public convenience and necessity"* requires its proposed jitney services in Newport and Bristol before a CPCN may be issued by the Division.

Additionally, predicated on the Division's broad and incidental regulatory powers contained in Section 39-1-38 of the Rhode Island General Laws, the Division will also evaluate the Applicant's "fitness" and "ability" to provide the jitney services it is proposing. The Division exercises this additional authority in furtherance of safeguarding the public welfare.

APPLICANT'S DIRECT CASE

Mr. Carlos Cardoso identified himself as the sole business member of Newport LLC. Mr. Cardoso began his testimony by proffering an exhibit that contains "marketing research" he conducted in furtherance of his company's application.[1] Mr. Cardoso explained that the exhibit identifies the "private tour companies in Newport [and Bristol]" and "the number of visitors that we welcome in Newport every year."[2] Mr. Cardoso related that based on his research he believes that Newport, which welcomes about a million visitors every year, can benefit from an additional tour company.[3]

Mr. Cardoso testified that in the summer of 2009, while initially a volunteer and later an employee at the Visitors' Center in Newport, he observed

[1] Applicant's Exhibit 4.
[2] Tr. 6.
[3] Tr. 6 and 11.

"people going in there looking for tours and other information."[4] Mr. Cardoso related that many of these tourists were coming to Newport aboard cruise ships. He testified "that the ones that didn't book ahead of time had a difficult time getting a seat on a private tour, any private tour."[5] Mr. Cardoso added that he has also witnessed tourists looking for tours in his capacity as the front desk clerk at the Bay Willows Inn in Newport, where he has worked for four years.[6]

Mr. Cardoso noted that this difficulty extended to taxicab service as well. He related that cruise passengers seeking taxicab service often had to wait 45 minutes to an hour for a taxicab tour of Newport, which he related caused frustration for those who only had limited time before having to return to their cruise ship.[7] He testified that the same delays have been common for patrons staying at the Bay Willows Inn.[8]

With respect to Newport LLC's proposed jitney service between Newport and Bristol, Mr. Cardoso testified that the Newport Visitors' Center is presently unable to promote any tour services between Newport and Bristol, due to the absence of transportation companies advertising such services. Mr. Cardoso related that this lack of service to Bristol is especially noteworthy this year as Bristol and Newport have combined into a unified convention and visitor's

[4] Tr. 6-7 and 11.
[5] Tr. 7.
[6] Tr. 13-14.
[7] Tr. 7.
[8] Tr. 14.

bureau.[9] Mr. Cardoso indicated that he expects a large number of Newport's cruise ship visitors to take advantage of this new tour service between Newport and Bristol.[10]

Mr. Cardoso testified that Newport LLC plans to operate a 15-passenger shuttle bus or van over two fixed routes[11]; one route between points within Newport (the "Newport Route"), and one route between Newport and Bristol (the "Newport-Bristol Route"). Mr. Cardoso related that he plans to provided a narrated tour during the entire length of these tours, and not just when passing by points of interest.[12] He related that Newport LLC intends to operate only four days a week (Friday through Monday) and also seasonally, between May and October.[13]

Mr. Cardoso described the Newport Route has having two variations. The first tour of the day, which he referred to as the "Early Bird Tour," would begin at the Newport Visitors' Center at 23 Americas Cup Avenue in Newport (at approximately 7:00am), and then travel over a <u>one-stop</u> loop between Fort Adams State Park, Brenton Point State Park, the "Breakers" (mansion), the International Tennis Hall of Fame, Touro Synagogue, and then return back to the Newport Visitors' Center (at approximately 9:00am). Mr. Cardoso related that the one stop on this "Early Bird Tour" would be at Fort Adams State Park, for about 30 minutes. Mr. Cardoso explained that the second variation of the

[9] Tr. 8-9.
[10] Tr. 13.
[11] Applicant's Exhibit 1.
[12] Tr. 19.
[13] Tr. 35-36.

Newport Route would be later in the day (at approximately 12:30pm) and would be identical to the "Early Bird Tour", except that the one stop during this tour would be at the "Breakers." Mr. Cardoso described this second Newport Route tour of the day as the "Breakers Tour," (which would end at approximately 3:30pm).[14]

Mr. Cardoso testified that he also plans to operate two Newport-Bristol Route tours during the day. He related that the Newport-Bristol Route tours would operate as a round-trip tour, starting and concluding at the Newport Visitors' Center, supra, with a single stop at Colt State Park in Bristol. Mr. Cardoso related that the first leg of the Newport-Bristol Route tour will follow a direct route between the Newport Visitors' Center and Colt State Park in Bristol. The return trip to the Newport Visitors' Center, however, would take a modified route back, which would include passing by "Glen Farm Polo Productions" (located at 593 Wapping Road in Portsmouth), "Newport Vineyards & Winery" (located at 909 E, Main Street in Middletown) and "Eastons Beach" (located at 175 Memorial Blvd. in Newport). Mr. Cardoso related that the first daily Newport-Bristol Route tour would follow shortly after the "Early Bird Tour" is completed (would begin at approximately 10:00am). The second daily Newport-Bristol Route tour would follow shortly after the "Breakers Tour" is completed (would begin at approximately 4:00pm). Mr.

[14] See Applicant's Exhibit 3 and Tr. 19-21 and 33 and 35.

Cardoso testified that each Newport-Bristol Route tour will include one stop at Colt State Park and will take about two hours to complete.[15]

Mr. David Drooker testified in support of Newport LLC's application. Mr. Drooker testified that he owns two inns in Newport, the America's Cup Inn, and the Bay Willows Inn, and that his patrons often question him about the availability of "smaller, individualized tours."[16] Mr. Drooker related that he has "no problem with the operating tour companies; but we get a number of requests each season from people who are interested in a more topical, more personal type of tour than is generally offered."[17] He added that "I know there are a couple of smaller tour companies, but very difficult to book those on short notice, very difficult to find space on them." Mr. Drooker continued with the following supportive statement:

> "We get consistent requests from people about that kind of thing and, as Carlos mentioned, quite a bit of frustration of not being able to find a topical, personalized tour, which I think will not only meet that need, his type of tour, but will encourage people to return. That's what people are looking for, is some kind of personal touch in their tourism experience, and I think that's what we need."[18]

In closing, Mr. Drooker asserted that the tours being proposed by the Applicant are "absolutely" the type of topical and personalized service needed in Newport and Bristol.[19]

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[15] See Applicant's Exhibit 2; and Tr. 33-35.
[16] Tr. 15.
[17] Tr. 15.
[18] Tr. 15-16.
[19] Tr. 16-17.

PUBLIC/PROTESTOR'S COMMENTS

Mr. Peter Garcia, the owner of Garcia Ventures, which holds a Division-issued CPCN authorizing taxicab services in the city of Newport under the d/b/a "Newport City Taxi" (MC-T-351), and a Division-issued COA authorizing public motor vehicle services throughout Rhode Island under the d/b/a "Native Newporter Tours" (PMV-181) appeared at the hearing to express his company's opposition to Newport LLC's application.[20]

At the outset, Mr. Garcia stated that as a certificated taxicab and public motor vehicle company operating in the Newport area, he can "attest to the demand for local transportation in general along - - everywhere in Newport, certainly along the routes proposed."[21]

Mr. Garcia next addressed Mr. Drooker's testimony that patrons from his two inns have been seeking private touring services. Mr. Garcia related that he has been in business in Newport for over five years and has never received a call from Mr. Drooker's inns "for a private tour company."[22]

Mr. Garcia also posed several questions. He wanted to know where the Applicant plans to sell its tickets and how much it will charge for its narrated tours. Mr. Garcia additionally wanted to know if a jitney was required to stop at each point of interest to allow passengers to get on and off the jitney.[23] He also questioned the difference between the Applicant's proposed services and

[20] See Protestant's Exhibit 1.
[21] Tr. 28.
[22] Tr. 30-31.
[23] Tr. 31.

the public bus services currently being provided through the Rhode Island Public Transit Authority ("RIPTA").[24]

Mr. Garcia additionally questioned the need to add another 15-passenger van tour service in Newport. He related that there are three public motor vehicle businesses conducting tour services in Newport with 15-passenger vans. He added that there are other private tour companies using buses and limousines as well.[25]

Mr. George A. Oakley, the owner of Viking Tours, which holds a Division-issued CPCN authorizing jitney services in Newport under the d/b/a "Viking Tours" (J-471) also appeared, on behalf of his company, to oppose Newport LLC's application.[26] Mr. Oakley pointed to the poor economy and Viking Tours' frequent unused passenger-carrying capacity as the basis for his opposition to Newport LLC's application. Mr. Oakley related that "we feel that we're covering the need and necessity of the scheduled tours in the City. We're not running at capacity."[27]

Mr. Oakley contended that he didn't "think there's a need and necessity at this time until we know where tourism is going in 2010."[28] He also didn't think there was a need for tour service to Bristol. Mr. Oakley opined that "people don't come here to go to see Bristol."[29]

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[24] Tr. 31.
[25] Tr. 31-32.
[26] See Protestant's Exhibit 2.
[27] Tr. 22.
[28] Tr. 22-23.
[29] Tr. 23.

Mr. Oakley testified that Viking Tours operates two tours a day around Newport starting on May 1. He testified that starting in July, Viking Tours increases its daily tours to five each day. Mr. Oakley related that in the fall "we cut down…to three tours a day." Mr. Oakley added that on busy days, and when cruise ships are in town, he always increases the number of trolleys to provide extra services.[30] Mr. Oakley emphasized that he uses only trolleys for his regulated jitney services.[31]

Mr. Oakley also addressed the "need" criterion in this matter from the standpoint of the other, non-jitney, touring services that are doing business in Newport. He testified that there are taxicab, public motor vehicle and even limousine services available for visitors coming to Newport. He observed that all of these carriers are currently providing tour services around Newport.[32]

APPLICANT'S REBUTTAL

After hearing the expressions of opposition and concern from Messrs. Garcia and Oakley, Mr. Cardoso confirmed that he understood that a jitney service, unlike taxicab and public motor vehicle services, must run on a fixed schedule and route, irrespective of the number of passengers being carried.[33] Mr. Cardoso testified that he was not concerned with this requirement "because this is all about marketing."[34] Mr. Cardoso also related that he

[30] Tr. 23-24.
[31] Tr. 24.
[32] Tr. 25-27.
[33] Tr. 34-37.
[34] Tr. 37.

would be finalizing the acquisition of the van he intends to use as soon as his application is approved.[35]

Mr. Cardoso also took exception to Mr. Oakley's assertion that there is no need for a jitney service between Newport and Bristol. Mr. Cardoso maintained that just because Viking Tours "wasn't successful" in establishing a narrated tour between Newport and Bristol does not mean that he should be discouraged. Mr. Cardoso opined that the history associated with Colt State Park, if marketed properly, can be used to successfully draw tourists to Bristol.[36]

FINDINGS

After a careful review of the record in this docket, the Division has determined that the Applicant has met the burden of proving that it is fit, willing and able to provide the transportation services requested.

The Division predicates this finding principally on record evidence related to Mr. Cardoso's experiences working in the tourism industry, the character evidence offered by Mr. Drooker in support of Mr. Cardoso's application, and the financial resources available to the Applicant. The Division also finds that the Applicant is able properly to perform the services proposed and to conform to the provisions of Rhode Island General Laws, Chapter 39-13 and the requirements, orders, rules, and regulations of the Division.

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[35] Tr. 38.
[36] Tr. 39.

With respect to Newport LLC's application for a "certificate of public convenience and necessity" that provides authority to transport passengers, via jitney services, for compensation over regular routes between points within Newport and points between Newport and Bristol, Rhode Island, the Division finds that the Applicant has satisfied the requisite burden of proof. Specifically, the Division finds that the Applicant has presented sufficient evidence to overcome its burden of proving that "*public convenience and necessity require operation over the route*[s]*,"* supra. The Applicant has satisfied this burden by proving that its proposed routes are suited to and tend to promote the accommodation of the public and that its proposed services are reasonably required to meet a need for such accommodation.[37] The Division also predicates this finding on the honest representation from Mr. Garcia that there is a "demand for local transportation in general along - - everywhere in Newport, certainly along the routes proposed."[38]

In reaching this conclusion, the Division considered the fact that there is presently only one "jitney" operator providing narrated tour services in Newport (i.e., Viking Tours); and no jitney operators providing narrated tour services between Newport and Bristol. Further, although there are irregular touring services available through local taxicab and public motor vehicle companies (e.g., Garcia Ventures), the Division must distinguish these

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[37] Abbott v. Public Utilities Commission, 48 R.I. 196, 136 A. 490 (1927). The word "necessity" in the expression under consideration does not have reference to an indispensable necessity, but rather that the routes in question appear to the Division to be reasonably requisite. Id. at 491. See also, Interstate Navigation v. Division, 1999 WL 813603 (R.I. Super) (1999).
[38] Tr. 28

asymmetrical modes of transportation services from the static and dependable services provided by fixed-route and fixed-schedule jitney services.

The record in this case reflects that cruise ship passenger visitors to Newport reached a record high in 2008, exceeding 68,000 passengers.[39] The record also reflects that approximately 67,000 cruise ship passengers visited Newport in 2009, a time during which the nation was experiencing a significant economic downturn. As the economy has improved considerably since last year, the Division finds it likely that cruise ship-related passenger volumes will increase significantly this summer. Indeed, the Applicant has proffered evidence that provides a projection from Newport's Harbormaster of 115,000 cruise ship passengers coming to Newport this season.[40]

In further support of its conclusion that Newport LLC has demonstrated the existence of a public need for its proposed jitney services, the Division relies on the testimonial evidence from Mr. Drooker, an entrepreneur with deep roots in Newport's tourism industry. Mr. Drooker offered convincing testimony that the patrons staying in his two inns in Newport have regularly questioned him about the availability of narrated tours in both Newport and Bristol.

With respect to the opposition voiced against the instant application from Messrs. Oakley and Garcia, on behalf of their respective common carrier companies, the Division finds that satisfying the public's need for a robust level and mix of jitney services within Newport and between Newport and Bristol is

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[39] Applicant's Exhibit 4.
[40] Id. and Tr. 12.

paramount. Though the Division acknowledges that neither Mr. Oakley nor Mr. Garcia believe additional tour services are required or needed in Newport or Bristol, the Division finds sufficient evidence on the record to suggest that the opposite is true.

As noted above, there are currently no Division-regulated narrated jitney services between Newport and Bristol. It is, therefore, somewhat incongruous for Mr. Oakley and Mr. Garcia to be questioning or objecting to this proposed service. Mr. Drooker has testified that his inn patrons have requested such services, thereby substantiating the Applicant's claim of an unsatisfied public need. While the profitability of this Newport-Bristol jitney service remains an unknown, the Division must permit the Applicant an opportunity to satisfy this demonstrated demand for a narrated jitney service between Newport and Bristol. The Division also notes that while Mr. Oakley is asserting that there is no need for regular jitney services between Newport and Bristol, he admits that Viking Tours has been providing unregulated bus "charter" services to Bristol "on cruise ship days."[41] Based on the apparent need for these charter services provided by Viking Tours to Bristol, it would appear that some of these cruise ship visitors may be interested in an alternative regularly advertised and marketed jitney service to Bristol as well.

With respect to the opposition against the proposed Newport Route(s) being proposed by the Applicant, the Division is unable to agree with Messrs. Oakley's and Garcia's assertions that their companies are fully satisfying the

[41] Tr. 24.

public need for narrated tour services around Newport. First, as noted above, Mr. Garcia has admitted that the demand for transportation services around Newport remains high. Further, in comparing Mr. Garcia's company's transportation services to the transportation services being proposed by the Applicant, the Division recognizes, from a regulatory perspective, that a substantial operational difference exists between the transportation services offered by taxicabs and public motor vehicles and the transportation services offered by jitneys. Jitneys operate over regular routes and on fixed schedules. Taxicabs and public motor vehicles do not. Jitneys must operate irrespective of the number of passengers being transported, even if it means operating a run(s) at a financial loss. It would, therefore, be inappropriate and erroneous for the Division to find that Mr. Garcia's company's transportation services represent an overlapping substitute for the jitney services being proposed in this application matter. Moreover, albeit the Division recognizes that Mr. Garcia concern is driven by the possibility of lost revenues, the Division must also recognize that taxicab and public motor vehicle companies are not legally entitled to protection from reasonable competition.[42] The primary concern is the matter of whether the public is receiving adequate transportation services. The goal of preserving the investments of existing taxicab and public motor vehicle businesses, from the effects of competition, is a secondary concern.[43]

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[42] See Order No. 15285 in the matter of: "Application Filing By The Block Island Trolley Company, Inc" (Docket No. 97-MC-18), issued on April 29, 1997; citing Yellow Cab Co. v. Public Utilities Hearing Board, 73 R.I. 217, 54 A. 2d 28 (1947).
[43] Yellow Cab Co. v. Public Utilities Hearing Board, 96 R.I. 247, 191 A 2d 23 (1963).

Of additional note, during his testimony Mr. Garcia indicated that his taxicab and public motor vehicle drivers are utilized as tour guides and it was essentially for this reason that he decided to oppose Newport LLC's application. However, the Division notes that throughout his testimony, Mr. Garcia introduced no actual figures reflecting revenues received or the number of tours his company performs during the Newport tourism season. Based on such evidential shortfalls, the Division is unable to determine that the overall revenues for Garcia Ventures would be adversely affected by the outcome of the instant application.[44]

Also, with respect to Mr. Garcia's questions about the Applicant's operation, the Division will not be considering the ticket price or the location of the Applicant's ticket sales as relevant issues in this application matter. Such issues are not connected to the Applicant's burden of proof. Regarding the question of whether the Applicant is required to stop at every point of interest, the Division notes that no such requirement exists under State law. The Applicant has proposed jitney services over specific routes, with specific stops, and it is this precise proposal that the Division must consider in the context of determining whether a pubic need is present for these services. Finally, with respect to Mr. Garcia's (and Mr. Oakley's) mention of the services that RIPTA provides in Newport, the Division observes that RIPTA's public transportation services are neither identical in nature or scope to the services provided by

[44] The Division made a similar observation against a protestant taxicab company in another case involving a "jitney" application. See the matter of "United Truck and Bus Service Company" (Docket No. 664) as reflected in Order No. 10913, issued on April 15, 1983.

Viking Tours or the services being proposed by the Applicant, nor considered competitive with Division-regulated common carrier services under Rhode Island law.[45]

Next, the Division must similarly distinguish the transportation services presently being provided by Mr. Oakley's company, Viking Tours, from the Applicant's proposed jitney services. Although both services are jitney-type services, Mr. Oakley utilizes eight large trolleys, which are capable of carrying 34-38 passengers at once.[46] The Applicant, in contrast, plans to use a much smaller 15-passenger vehicle, actually comparable to the vehicle(s) currently being operated by Mr. Garcia's public motor vehicle company.

It also appears that the Applicant's proposed Newport Route differs from the route delineated in the CPCN that Viking Tours operates under. Despite Mr. Oakley's opinion that Viking Tours operates over a route that is a "mirror" image of the Applicant's proposed route[47], the Division notes that Viking Tours' CPCN (No. MC-471), as referenced in a 1983 Report and Order issued by the Division in a docket in which Viking Tours participated as an Intervenor, actually confers the following route authority:

> "Beginning: At Viking Hotel, thence via Touro Street to Hozier St., thence to Broadway, north on Broadway to West Main Road, thence West Main Road to Coddington Highway, thence Coddington Highway to Admiral Kalbfus Road to Third St. to Washington St., to Long Wharf to Washington Square, thence around Eisenhower Park to Thames St., to Ocean Drive,

[45] See R.I.G.L. §39-18-4(a)(7)(i).
[46] Tr. 45.
[47] Tr. 24.

> around Ocean Drive (so-called Ten Mile Drive) to Bellevue Ave., to Narragansett, thence Narragansett Ave., to Ochre Point Ave., thence via Ochre Point Ave., to Ruggles Ave., (stopping at the Breakers) thence Ruggles Ave., to Bellevue Ave., to Memorial Blvd., east on Memorial Blvd. to Easton's Beach, returning to Memorial Blvd., thence via Memorial Blvd. to Bellevue Ave., north on Bellevue Ave., to Pelham St., west on Pelham St., to Touro Park West, thence north to Mill St., east on Mill St. to Bellevue Ave., thence north to Church St., to Mary St., east on Mary St. to the Viking Hotel."[48]

Although there are significant similarities between Viking Tours' authorized route and the Newport Route being proposed by the Applicant, there are clearly some route and stop distinctions that would distinguish the two narrated jitney tour services from each other.[49] Further, as noted above, the smaller size of the Applicant's van (or shuttle), compared to the much larger trolleys utilized by Viking Tours, would make for a contrastingly different jitney-touring experience.

The Division additionally finds that because Viking Tours currently represents the only narrated "jitney" tour operating in Newport, it would be appropriate for the Division to also consider such factors as competitive stimulation and anti-monopoly prophylaxis in its determination of whether to grant a CPCN in this matter.[50] The record reflects that Viking Tour has been providing high-quality jitney services around Newport during the seasonal tourism season since the early 1960s. However, the record also reflects that no

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[48] See Order No. 10913, issued on April 15, 1983.
[49] Tr. 46.
[50] See Domestic Safe Deposit Company v. Hawksley, 111 R.I. 224, 301 A.2d 342 (1973); and Short Line, Inc. v. United States, 290 F. Supp. 939 (D.R.I. 1968).

other jitneys presently operate in the same area. As the Applicant is proposing to provide an alternative jitney service, with distinguishing characteristics, the Division finds that the public interest would be served from the competitive interplay that will invariably exist between these two jitney carriers.

Finally, the Division observes that Viking Tours is not capable of satisfying the public's demand for jitney services at all times, and especially during peak tourist visitation periods. Mr. Oakley admits that Viking Tours has had to turn potential passengers away when it is operating at full capacity.[51] Clearly, the Applicant's proposed jitney services would help close this jitney services "gap" during these busy times.

Accordingly, it is

(19977) ORDERED:

1. That the March 18, 2010 application of Newportravel, LLC, 1225 Aquidneck Avenue, Middletown, Rhode Island 02857, seeking a common carrier certificate of public convenience and necessity that authorizes the transportation of passengers, via jitney services, for compensation over regular routes between points within Newport and points between Newport and Bristol, Rhode Island, as specified herein, is hereby approved.
2. The granting of this application shall be subject to the fulfillment of the following terms and conditions within ninety (90) days:

[51] Tr. 25.

a. The Applicant must hand deliver to the Division proof of financial responsibility (liability insurance) and conform to the minimum insurance requirements set forth in Section 39-13-9 of the Rhode Island General Laws; and

b. The Applicant must register with the Division all motor vehicles intended to be used in the operation of the business, in conformance with the requirements set forth in Section 39-13-12.2 of the Rhode Island General Laws ($20.00 registration fee per vehicle).

3. Upon satisfactory completion of the aforementioned terms and conditions, a certificate of public convenience and necessity shall be issued. The Applicant shall not perform any of the transportation services authorized through this Report and Order until it has satisfied the aforementioned terms and conditions and has been physically issued a certificate of operating authority.

4. If the terms and conditions outlined in above paragraphs 2(a) and 2(b) are not met within the prescribed ninety (90) days, the approval granted herein will be of no further force and effect.

5. The Applicant's business address must remain at the same location as listed on the application unless otherwise approved by the Division.

6. The Applicant is expected to additionally satisfy the regulatory requirements mandated under Rhode Island General Laws, Sections 39-13-11 (CPR training requirements for drivers) and 39-13-12 (RIDMV jitney plate requirements) before carrying any passengers under the authority conferred through this Report and Order.

DATED AND EFFECTIVE AT WARWICK, RHODE ISLAND ON APRIL 27, 2010.

_____	APPROVED: _____
John Spirito, Jr., Esq. Hearing Officer	Thomas F. Ahern Administrator