

ORIGINAL

In the matter of the application of J. M. ATTEHOM, doing business under the fictitious name of Berkeley Transportation Company, for a certificate of public convenience and necessity to operate vessels on the San Francisco Bay, between San Francisco and the State Prison at San Quentin.

Gwyn H. Baker, for applicant.

MARTIN, Commissioner:

O P I S I O N

J. M. Atthowe, doing business under the fictitious name of Berkeley Transportation Company, applies for a certificate of public convenience and necessity under the provisions of sub-section (d) of Sec. 50 of the Public Utilities Act authorizing the operation of vessels for the transportation of property for compensation upon the inland waters of the State of California, between San Francisco and San Quentin Prison.

Applicant has been carrying on the class of transportation hereinabove mentioned since 1919 with the exception of one year. The majority of this transportation is handled under contract with the State of California. This contract provides rates for the transportation of necessary Prison supplies secured in San Francisco and transported to San Quentin and products of the Prison transported from San Quentin to San Francisco. As regards commodities transported under the contract, applicant is not engaged in the operation of vessels as a common carrier. However, there is considerable property transported, transporta-

tion charges being paid for by parties other than the State of California, particularly with reference to shipments of Prison supplies sold f.o.b. San Quentin. As regards the transportation of these commodities, applicant is operating as a common carrier between the points hereinabove mentioned, and due to the fact that he had failed to file tariffs covering this operation the present application for a certificate was made necessary.

The rates proposed in Exhibit "A" attached to the application herein range from 25¢ for first-class to 10¢ for "E" class. Heretofore applicant charged approximately 20¢ for classes 1 to 3 and 15¢ for classes 4 to "E". While the schedule proposed will result in increases in several classes, the majority of freight moving will fall under classifications 4 and 5, which cover over 75% of the total traffic. Heretofore this classification took a 15¢ rate; the rates proposed are 15¢ for class 4 and 12½¢ for class 5. Class 4 remains the same and class 5 is reduced 2½¢. Classes "A" and "B" as proposed are 12½¢, and "C", "D" and "E" 10¢. All of these classes show a reduction from the rates heretofore charged, namely 15¢ per hundred. The proposed rates for classes 1, 2 and 3 are, respectively, 25¢, 21¢ and 17½¢. The charges under these classes were heretofore assessed at 20¢. As will be noted, classes 1 and 2 will be increased while class 3 will be reduced.

The testimony of applicant was to the effect that less than 15% of the total freight moved falls within the first three classifications and that the proposed rates as a whole will result in a reduction in total revenue secured under this schedule as now offered.

No one appeared in opposition to the granting of the certificate as applied for and in view of the fact that applicant holds a contract with the State of California for the transportation of various commodities to and from San Quentin Prison, in 390

connection with which he is obliged to operate a regular service once a week, together with such additional schedules that might be required for the convenience of the Prison, I am of the opinion that the present application should be granted.

I submit the following form of order:

### O R D E R

A public hearing having been held in the above entitled application, evidence submitted, and the matter now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by J. M. Atthowe, doing business under the fictitious name of Berkeley Transportation Company, of vessels for the transportation of property, for compensation, as a common carrier upon the inland waters of the State of California between San Francisco and San Quentin Prison.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted, subject to the following conditions:

1. That applicant shall file within a period of not to exceed ten (10) days from date hereof his written acceptance of the certificate herein granted, and shall file within a period of not to exceed twenty, (20) days from date hereof, in duplicate, tariff of rates identical with rates set forth in Exhibit "A" attached to the application herein, which rates shall be governed by rules and regulations as now on file with the Railroad Commission of the State of California, covering the service of applicant herein between San Francisco and Berkeley, California.
2. Service under the certificate herein granted shall not be discontinued unless written authorization of the Railroad Commission authorizing such discontinuance has first been secured.

The foregoing Opinion and Order are hereby approved  
and ordered filed as the Opinion and Order of the Railroad  
Commission.

Dated at San Francisco, California, this 18<sup>th</sup> day  
of July, 1924.

H. B. Readick  
David Martin

J. T. Tuttle  
Commissioners.