

Decision No. 14 8 24

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application )  
of David L. Peters for a Certif- )  
icate of Public Convenience and )  
Necessity to operate vessel for )  
the transportation of property, )  
for compensation, between points )  
upon the inland waters of the )  
State of California. )

APPLICATION NO. 10493

Applicant David L. Peters, Pro Se.

Sanborn & Roehl and DeLancey C. Smith, by H.E. Sanborn,  
for Protestants - Bay Cities Transportation Company,  
Sacramento Navigation Company, Erikson Navigation  
Company, Island Transportation Company, California  
Transportation Company, California Navigation &  
Improvement Company.

BY THE COMMISSION:

O P I N I O N

This is an application by David L. Peters under the provisions of paragraph (d), section 50, of the Public Utilities Act, for a certificate of public convenience and necessity to operate vessel for the transportation of property, for compensation, upon the inland waters of the State of California between points on the San Francisco Bay and its tributaries and landings on the various rivers and their tributaries, to and including Stockton and Sacramento, as per Exhibit B, attached to and made part of the application.

A public hearing was held at San Francisco April 14, 1925 before Examiner Geary, and the application having been submitted is now ready for an opinion and order.

Applicant is the owner of a boat named "Utility" of 85 horse power and 100 ton capacity, which it is proposed to operate on an irregular schedule at the call and demand of shippers. The rates proposed are identical with those now carried in tariffs of certified common carriers between points in the same territory. The only witness was applicant himself, who testified that he now leases or rents his power boat "Utility" for special trips, either to common carrier lines or to individual firms, by the day or trip; that he has made a check of the territory and has found there is need for more boats and service than now being rendered by existing lines and that he desires to serve as a common carrier at published rates.

The granting of the application as herein proposed was protested by Bay Cities Transportation Company, Sacramento Navigation Company, Erikson Navigation Company, Island Transportation Company, California Transportation Company and California Navigation & Improvement Company. No complaint against the rates or the service of the existing transportation companies appears in the record herein, and it appears no public necessity exists for the service as proposed. The main ground for issuance of the certificate as applied for appears to be only the desire of applicant to enter into the transportation business.

The Commission on a number of occasions has held, and the law requires, that a showing of public convenience and necessity must be made by applicant for certificate and that a certificate could not be granted solely upon the ground that applicant desires to establish a service in competition with existing carriers.

We have no doubt that the public will receive more reliable service, at reasonable rates, from established responsible companies who are permitted to earn a return on their investment, than by permitting indiscriminate competition, which will weaken the financial situation of each of the competitors.

We are of the opinion that no showing has been made in this proceeding justifying the granting of the application, and an order will be entered accordingly.

O R D E R

A public hearing having been held, testimony submitted, and the Commission being fully advised.

IT IS HEREBY ORDERED that the above entitled application be and the same hereby is denied.

Dated at San Francisco, California, this 20<sup>th</sup> day of April, 1925.

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*C. Seaver*

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*Egerton Shore*

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*George D. Squires*

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Commissioners.