

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 COUSINS LAUNCH & LIGHTER COMPANY for)
 certificate of public convenience to)
 operate five vessels for the trans-) Application No. 10626.
 portation of persons and property for)
 compensation, between points upon the)
 inland waters of the State of California.)

Buter & Quinn, by J. F. Quinn,
 for applicant,
 H. C. Nelson for Coggeshall Launch
 and Towboat Company, protestant.

BY THE COMMISSION:

O P I N I O N

Willard W. Cousins, Henry G. Cousins, Mrs. Edna J. Phillips and Doris E. Baldwin, co-partners doing business under the fictitious name of Cousins Launch & Lighter Company, apply, under the provisions of paragraph "D," section 50 of the Public Utilities Act, for a certificate of public convenience and necessity authorizing the operation of vessels for the transportation of persons and property for compensation upon the inland waters of the State of California between Eureka and other points on Humboldt Bay and water ways tributary thereto serving the following points or landings:

Eureka, Samoa, Little River Wharf, Rolph, Arcata, Field's Landing and Ship's Anchorage, within the confines of Humboldt Bay.

Applicant proposes to charge rates and fares in accordance with Exhibit "B" attached to said application and to use the

equipment described in Exhibit "A" attached thereto.

A public hearing on the above entitled application was held at Eureka before Examiner Satterwhite, the matter was duly submitted and is now ready for decision.

Coggeshall Launch and Towboat Company, a corporation, protested the granting of said application.

Applicant proposes to give the following service between the specified points hereinbefore specified: as called for and required by shippers' orders in fulfillment of maintenance of service as agreed upon with shippers.

The proposed service now sought in this application is similar to the service authorized by this Commission in its Decision No. 13762 on Application No. 9969.

The testimony of applicant shows that the proposed service is substantially a continuation of the operations heretofore conducted by H. E. Cousins, deceased, for a period of fifteen years. These operations included the transportation of all employes working for the Little River Redwood Company to and from Little River Wharf for a certain sum payable monthly by the Lumber Company and was not based on the number of employes hauled and was for a monthly sum which was paid by the Little River Redwood Company. In the operations were included also the transportation of freight for the said company. The Little River Redwood Company contemplate moving its plant, mill and shipping facilities from its present location to Rolph and it is the desire of applicant to continue the same operations for this company when its plant has been moved to Rolph. The record shows that the service maintained by the Cousins Launch

and Lighter Company has consisted in hauling by special boat or launch stevedores to the ships loading or unloading cargo in Humboldt Bay, at the various points proposed to be served, and it appears that these boats were operated on no fixed time schedule, but rendered a service at such times as the particular needs of each particular ship might require. Applicant has never transported persons or property for compensation between Eureka and Samoa and Eureka and Rolph where such service has been for or to persons, firms or corporations owning or operating plants at these points, or to the residents of these communities or to the employes of the firms or corporations operating in or near said points. In connection with the transportation of stevedores, applicant has also transported lumber, shakes and wood. It appears that applicant during the year 1919 operated a certain passenger service between Eureka and Rolph, but abandoned such service during that year and has never resumed said service.

Coggeshall Launch and Towboat Company, protestant, has operated for many years an authorized passenger and freight service between Eureka and Samoa and Eureka and Rolph. The evidence shows that protestant has always complied with the orders of this Commission and the law with reference to its service and in accordance with its schedule of tariffs now on file with the Commission. Protestant offered testimony showing that it owns and is able to add all additional facilities that may be required to properly handle and accommodate all passenger and freight traffic that may be offered for transportation between Eureka and Rolph or any other points which it now serves. The record

shows that the construction at Rolph of the new mill of the Little River Redwood Company would involve the employment of an increased number of laborers, a great many of whom will reside at Eureka, and it was shown by protestant that it is fully equipped to handle all increase of passenger and freight traffic that will result from the construction of this new mill at Rolph.

The record shows that the proposed service of applicant to Rolph will involve a substantial enlargement of its present service and will enable applicant to secure an increased patronage and will jeopardize the revenues which protestant would enjoy in the operation and maintenance of its ferry service between Eureka and Rolph.

After a careful consideration of all the evidence in this proceeding, we are of the opinion and hereby find as a fact that public convenience and necessity require the establishment of the proposed service of applicant between the points proposed to be served, save and except between Eureka and Rolph, and the application should be granted with the limitations indicated.

O R D E R

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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require

the operation by Willard W. Cousins, Henry G. Cousins, Mrs. Edna J. Phillips and Doris E. Baldwin, co-partners doing business under the fictitious name of Cousins Launch & Lighter Company of vessels for the transportation of persons and property for compensation upon the inland waters of the State of California between Eureka and other points on Humboldt Bay and tributaries thereto, when permissible, serving the following points or landings:

Eureka, Samoa, Little River Wharf, Rolph, Arcata, Field's Landing and Ship's Anchorage within the confines of Humboldt Bay. The service between Eureka and Rolph to be limited as hereinafter provided.

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. The certificate herein authorizes only the transportation of lumber, shakes, shingles and wood between Eureka and Rolph; also transportation only of persons between Eureka and Rolph acting as stevedores for the purpose of loading and unloading vessels.

2. Applicant shall file written acceptance of certificate herein granted within a period not to exceed ten (10) days from the date hereof and shall file tariffs according to the rules of this Commission setting forth the rates, rules and regulations governing transportation of property which shall be those now in effect between points on Humboldt Bay and its tributaries now served by applicant as set forth in Cousins Launch & Lighter Company's local freight tariff C.R.C. No. 3 and its local passenger tariff C.R.C. No. 3, filed with this Commission on July 10th, 1924.

Dated at San Francisco, California, this 18th day of May, 1925.

H. B. ...
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Egerton Shore

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Commissioners. 193