

LEM

Decision No. 16211.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
ALAMEDA TRANSPORTATION COMPANY,
a corporation, for permission to ac-
quire the prescriptive operating
rights of W.D.Heryford, doing busi-
ness as Alameda Transportation Com-
pany, or for a certificate of public
convenience and necessity to operate
boats for the transportation of pro-
perty (freight) for compensation, be-
tween points on the inland waters of
this state and for permission to issue
stock.

ORIGINAL

Application No. 12437

Glensor, Clewe & Van Dine, by H.W.Glensor,
for applicant.

Sanborn, Roehl and DeLancey C.Smith, by
E.S.Sanborn, for Bay Cities Transpor-
tation Company, Protestants.

BY THE COMMISSION:

O P I N I O N

Alameda Transportation Company, a corporation, asks permission to engage in the business of operating boats for the transportation of freight on the inland waters of the state and to issue stock in payment for properties which it intends to acquire from W. D. Heryford. The properties consist of a gas power boat, the "Jessie Matsen", line equipment, and office furniture, all valued at \$7,378.25. Alameda Transportation Company has an authorized stock issue of \$200,000.00 divided into 10,000 shares of \$20. each.

Applicants' petition shows that for a period of about sixteen years W. D. Heryford doing business under the firm name and style of Alameda Transportation Company, has been engaged in the business of transporting goods by boat on the inland waters of the State and more particularly on the Bay of San Francisco and its tributaries; that said W. D. Heryford desires to carry on and conduct the same business under a corporate form of organization; that he desires to transfer his present operative rights to the corporation, if the Commission concludes and holds that such transfer is permissible under the existing law, otherwise he desires that Alameda Transportation Company, a corporation, be granted permission to operate from San Francisco to all points on the Oakland Estuary including all shipyards, and between San Francisco and Avon, Bay Point and Richmond. It is represented that these are the points between which W.D.Heryford is now actually furnishing transportation service, though his schedule of rates on file with the Commission covers service between other points. It is his intention if he is granted permission to transfer his operative rights, or if the Alameda Transportation Company, a corporation, is given permission to operate between the points mentioned, to have that company charge for service rendered, the rates which he now has on file with the Commission covering service between the points stated.

We are of the opinion that under Section 50-D of the Public Utilities Act, the Commission has no authority to authorize the transfer of operative rights now possessed by W.D.Heryford. We do believe, however, that the Alameda Transportation Company, a corporation, should be given the right to operate boats for the transportation of freight between the points indicated in the order herein.

Bay Cities Transportation Company takes the position that W.D.Heryford has not operated between all points mentioned in his

schedule of rates on file with the Commission. Applicant Alameda Transportation Company, a corporation, has voluntarily agreed to limit its request for a certificate of public convenience and necessity to points between which W. D. Heryford has been actually operating boats for the transportation of freight.

O R D E R

Alameda Transportation Company having applied to the Railroad Commission for permission to issue stock, and for a certificate of public convenience and necessity, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of \$7,500.00 of stock is reasonably required by applicant Alameda Transportation Company, a corporation, and that such company should be given permission to operate boats between the points indicated in this order,

IT IS HEREBY ORDERED that Alameda Transportation Company, a corporation, be, and it is hereby authorized to issue and sell at par \$7,500.00 par value of its common capital stock and use the proceeds from the sale of five shares of stock issued to qualify directors for working capital and use the remaining proceeds to acquire from W. D. Heryford the "Jessie Matsen" and other properties referred to in the opinion which precedes this order, or to deliver \$7,400.00 of said stock to W.D.Heryford in payment of said properties.

IT IS HEREBY FURTHER ORDERED that Alameda Transportation Company, a corporation, be, and it is hereby, authorized to operate said "Jessie Matsen" for the transportation of freight between San Francisco and all points on the Oakland Estuary including all shipyards, and between San Francisco, Avon, Bay Point and Richmond, provided that the rates charged for transportation between such points shall be the same as the rates now on file by W. D. Heryford for service

rendered between the said points, and provided further that within a period of not to exceed thirty days from the date hereof, Alameda Transportation Company, a corporation, file in duplicate its schedule of rates, rules and regulations governing the transportation of property between the points herein indicated.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall become effective on the 20th day after the date of this order and that applicant Alameda Transportation Company, a corporation, shall keep such record of the issue and disposition of the stock herein authorized as will enable it to file on or before the 25th day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order insofar as applicable, is made a part of this order.

DATED at San Francisco, California, this 17th day of March, 1926.

H. B. Boudier

E. W. Wood

Leon White

Commissioners.