

Decision No. 16688

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
- - - - -

In the Matter of the Application)
of Ernest R. Stelter, an individual,)
for a Certificate of Public Convenience)
and Necessity to Operate Vessels for)
the Transportation of Property, for)
Compensation, between points upon the)
Inland Waters of the State of California.)

APPLICATION No. 12640

Sanborn & Roehl and DeLancey C. Smith, for Applicant,
Gwyn E. Baker and E. M. Wade, for Berkeley Transportation
Company, Bay Cities Transportation Company, E.V. Rideout
Company, Harbor Tug & Barge Company, Richmond Navigation
& Improvement Company, San Rafael Freight & Transfer
Company, Ayres-Whiteside Transportation Company and
Erikson Navigation Company,
E. E. Maggard and Donald Geary, for Petaluma-Santa Rosa
Railroad Company,
Benjamin Walters, for Island Transportation Company,
A. A. Bowman, for California Navigation Company,
L. H. Rodebaugh, for San Francisco-Sacramento Railroad Company,
J. J. Geary, for Northwestern Pacific Railroad Company,
G. G. Wright, for Vehmeyer Transportation Company,
Nichols Transportation Company, Merchants Transportation
Company, Wheeler Transportation Company, Wood & Seitz,
Empire Barge Company, Stockton Transportation Company,
Eiggins Transportation Company, Silveira Transportation
Company.

BY THE COMMISSION:

O P I N I O N

Ernest R. Stelter, an individual, by application
filed March 17, 1926, and as amended, applies under the provisions
of paragraph (d), section 50, of the Public Utilities Act for a
certificate of public convenience and necessity to operate the

gas schooner "Covina" for the transportation of (a) hay between points on the San Joaquin and Sacramento Rivers and the tributaries thereof west of Stockton and Sacramento on the one hand and on the other, points on the Bay of San Francisco and its tributaries, and (b) lumber from San Francisco, Oakland, Alameda and Berkeley to Walnut Grove.

A public hearing was held before Examiner Geary at San Francisco April 20, 1926 and the case having been duly submitted is now ready for our opinion and order.

Under the terms of the original application authority was requested to operate vessels between practically all points on the Bays of San Francisco, Suisun and San Pablo and on the San Joaquin, Sacramento, Mokelumne, Old and Middle Rivers, but in view of the protests by competing rail and water carriers the application was amended to embrace only the operations specifically described in the preceding paragraph and confined only to the schooner Covina. Protestants withdrew all objections to the application after the same had been amended.

The record shows that applicant purchased the schooner "Covina" from L.E. Pyle in May, 1925 upon the assumption that the purchase of the boat carried with it the right to continue the common carrier operations of the said Pyle. For a number of years prior to May, 1925 Pyle had been operating the schooner under tariffs lawfully on file with this Commission and although these tariffs named rates for practically all commodities and between all points in Bay and River districts, the evidence is to the effect that the principal service rendered was the transportation of hay and sporadic shipments of lumber, onions, potatoes and crushed shells.

Witnesses for applicant, engaged in the hay and grain

business, testified that during the peak period of the season they were often confronted with a shortage of boats suitable for the handling and transportation of hay and that the proposed service of this applicant, which is only a continuation of the common carrier service of the former owner of the vessel, is a necessity and convenience. Eleven letters were received from prominent hay shippers, all urging the granting of a certificate.

Upon consideration of all the facts of record we are of the opinion and find as a fact that public convenience and necessity require the operation by applicant of the schooner "Covina" for the transportation of (a) hay between points on the San Joaquin and Sacramento Rivers and the tributaries thereof west of Stockton and Sacramento on the one hand and on the other, points on the Bay of San Francisco and its tributaries, and (b) lumber from San Francisco, Oakland, Alameda and Berkeley to Walnut Grove and that the application, as amended, should be granted.

O R D E R

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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require
the operation by applicant, Ernest R. Stelter, an individual,
of the schooner "Covina" for the transportation of (a) hay
between points on the San Joaquin and Sacramento Rivers and
the tributaries thereof west of Stockton and Sacramento on
the one hand and on the other, points on the Bay of San
Francisco and its tributaries, and (b) lumber from San Fran-
cisco, Oakland, Alameda and Berkeley to Walnut Grove.

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

Applicant shall file, within twenty (20) days from
the date hereof, a tariff constructed according to the rules
of this Commission setting forth the rates, rules and regu-
lations governing the transportation of property which shall
be in harmony with those set forth in Exhibit "B" of the
application, as amended at the hearing.

Dated at San Francisco, California, this 4th
day of May, 1926.

H. H. Brundage

C. L. Seaver

Ernest Stelter