

Decision No.

16639

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Henrik Artur Troberg, an individual,
for a Certificate of Public Convenience
and Necessity to Operate Vessels for
the Transportation of Hay, for compen-
sation, between points upon the Inland
Waters of the State of California.

APPLICATION NO. 12646

Bell and Simmons, for Applicant,

Gwyn H. Baker and E. M. Wade, for Berkeley Transportation
Company, Bay Cities Transportation Company, E.V. Rideout
Company, Harbor Tug & Barge Company, Richmond Naviga-
tion & Improvement Company, San Rafael Freight &
Transfer Company, Ayres-Whiteside Transportation Com-
pany and Erikson Navigation Company,

Benjamin J. Walters, for Island Transportation Company,
E.H. Maggard and Donald Geary, for Petaluma-Santa Rosa Rail-
road Company,

H. H. Sanborn, for Sacramento Navigation Company,

A. A. Bowman, for California Navigation Company,

L. E. Rodebaugh, for San Francisco-Sacramento Railroad
Company,

G. G. Wright, for Vehmeyer Transportation Company,
Nichols Transportation Company, Merchants Transporta-
tion Company, Wheeler Transportation Company,
Wood & Seitz, Empire Barge Company, Stockton Trans-
portation Company, Silveira Transportation Company.

BY THE COMMISSION:

O P I N I O N

By application filed April 7, 1926 and as subsequently
amended, Henrik Artur Troberg, an individual, applies for a
certificate of public convenience and necessity to operate the
gasoline motor boat "Frank Lawrence" for the transportation of

hay between points on the Sacramento and San Joaquin Rivers west of Sacramento and Stockton on the one hand and on the other, points on the Bay of San Francisco and its tributaries.

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.

Applicant for the past 16 years has been employed by water carriers engaged in the transportation of hay in the San Francisco Bay districts and recently purchased the gasoline motor boat "Frank Lawrence", which vessel until March 1, 1926 had been operated by Jens Peter Christensen in the same line of business under tariffs lawfully on file with this Commission. The evidence indicates that the boat purchased by this applicant has been utilized to transport hay since its construction approximately 40 years ago and this application is for the purpose of continuing the operation. It appears the boat was purchased under the belief that the operative right held by its former owner would be transferred, but since section 50(d) of the Public Utilities Act does not confer authority to transfer operative rights, a new certificate of public convenience and necessity is required.

Witnesses for applicant, engaged in the hay and grain business, testified there was often a shortage of boats during the peak of the hay season, particularly of the type of boat applicant proposes to operate, which, because of its light draught, is able to reach points not accessible to other types of vessels.

The Island Transportation Company and other competing water carriers protested the granting of the application upon

the ground that the existing companies are equipped to handle the traffic, but they presented no testimony. In view of the fact that the proposed operations will be a continuation of a service rendered for many years these protests without testimonial proof are without merit.

Upon consideration of all the facts of record we are of the opinion and find that public convenience and necessity require the operation by applicant of the gasoline motor boat "Frank Lawrence" for the transportation of hay between points on the Sacramento and San Joaquin Rivers and the tributaries thereof west of Sacramento and Stockton on the one hand and on the other, points on the Bay of San Francisco and its tributaries.

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, Henrik Artur Troberg, of the gasoline motor boat "Frank Lawrence" for the transportation of hay between points on the Sacramento and San Joaquin Rivers and their tributaries west of Sacramento and Stockton on the one

hand and on the other, points on the Bay of San Francisco and its tributaries.

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

That applicant, before beginning operations, shall publish and file a tariff constructed according to the rules of this Commission setting forth the rates, rules and regulations governing the transportation of hay, which shall be those shown in Exhibit "A" and as amended, attached to the application, insofar as they apply to the operations herein authorized.

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

H. B. Dunning
C. L. Scammon
Frank W. Scott

Commissioners.