

ORIGINAL

Decision No. 17978.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Cousins Launch & Lighter Company)
for New or Modified Certificate of)
Public Convenience re Operation of)
Five Vessels for the Transportation)
of Persons and Property, for Compem-)
sation, between points upon the)
inland waters of the State of Calif-)
ornia.)

APPLICATION NO. 13282

J.F.Quinn, Attorney for Applicant.
Pierce H.Ryan, Attorney for Protestant.

BY THE COMMISSION:

O P I N I O N

This is an application under the provisions of section 50(d) of the Public Utilities Act, by Cousins Launch & Lighter Company, seeking a certificate of public convenience and necessity covering the operation of vessels on the inland waters of Humboldt Bay so as to authorize applicant to engage in the transportation of all employees and property of the Little River Redwood Lumber Company between Eureka and Fairhaven.

The Coggeshall Launch & Towboat Company protested the granting of the application upon the grounds that it is now and has been for the past several years operating as a common carrier on a daily schedule between Eureka and Fairhaven and is able and

willing to supply sufficient equipment to adequately care for all the needs of the public between these two points.

A public hearing was held before Examiner Geary at Eureka November 19, 1926 and the application having been duly submitted is now ready for our opinion and order.

The record indicates that for years applicant or its predecessor has transported the employees and property of the Little River Redwood Lumber Company between Eureka and Little River Wharf. The lumber company, however, is now moving its plant and equipment to Fairhaven and the major portion of its business will be, within a few months, conducted at the latter point.

The plea for authority to operate from and to Fairhaven is predicated solely upon the desire to continue in effect the service heretofore rendered from and to Little River Wharf and the only evidence and testimony submitted in support of the application was from employees of the Little River Redwood Lumber Company, who indorsed the past and present service between Eureka and Little River Wharf and expressed a desire to have applicant perform, in the future, a similar service between Eureka and Fairhaven.

A study of the record, however, shows the testimony submitted is without probative value, for in the past applicant has transported and now is transporting the employees and property of the lumber company at contract rates, but not as a common carrier. From 50 to 75 employees of the lumber company are transported daily, morning and evening, except Sunday, between Eureka and Little River Wharf and occasionally consignments of lumber are transported. For the passenger service a

flat monthly charge of \$100.00 is collected and for the freight a charge of approximately \$1.50 per ton.

Likewise, applicant transports the employees of the Dolbeer-Carson Lumber Company between Eureka and Little River Wharf at a flat charge of \$20.00 per month. The reason a lesser monthly charge is assessed against one company than the other is because of the smaller number of men. There is no written contract between the parties, the service being rendered under a verbal understanding, and the practice has been in effect for some 15 or 16 years.

There was testimony to the effect that the special passenger and freight transportation business between Humboldt Bay points represented but a very small fraction of applicant's total business, which consists of towing, lightering and stevedoring.

It is clearly proven by this record that applicant has devoted its transportation service almost entirely to the use of mill employees between Eureka and Little River Wharf at flat sums per month, verbally agreed to by the applicant and the interested mill companies and, therefore, that applicant has never, in genuine practice, performed a common carrier service as defined by the provisions of the Public Utilities Act. As heretofore stated, applicant's desire is to transport only the employees and property of the Little River Redwood Lumber Company.

During and for a period following the war Fairhaven was a community of several hundred people, but now it is practically abandoned. With the removal there of the lumber mills from Little River the community will be revived to some extent, although the majority of the mill employees will commute from Eureka.

Protestant, Coggershall, now renders a common carrier service between Eureka and Fairhaven, which service has been conducted at a loss during the greater part of the past few years.

The testimony shows there is not sufficient traffic for two ferries and that the best common carrier service can be given by the protestant now furnishing the service to all the public.

After consideration of all the facts of record we are of the opinion and find there is no public convenience and necessity for a service as outlined by applicant between Eureka and Fairhaven and that the application should be denied.

O R D E R

This application having been duly heard and submitted, full investigation of the matters and things involved having been had and basing this order on the findings of fact contained in the opinion preceding this order,

IT IS HEREBY ORDERED that this proceeding be and the same hereby is denied.

Dated at San Francisco, California, this 9th day of February, 1927.

E. J. [Signature]
[Signature]
[Signature]
Leon [Signature]
Thos [Signature]
 Commissioners.