

Decision No. 18733.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
EDWARD MILLER and GUSIE I. MILLER,)
copartners doing business under the)
name of the MILLER LAUNCH COMPANY,)
for a certificate of public conven-)
ience and necessity to operate ves-)
sels for the transportation of salt)
for compensation between Mt. Eden)
and San Francisco, Petaluma and Mare)
Island Navy Yard - Vallejo.)

Application No. 13677.

I. C. Pistolessi, for applicants.

BY THE COMMISSION:

O P I N I O N

By application filed April 7, 1927, Edward Miller and Gusie I. Miller, copartners doing business under the fictitious name of Miller Launch Company, apply for a certificate of public convenience and necessity to operate vessels for the transportation of salt between Mt. Eden Salt Works on the one hand and San Francisco, Petaluma, Mare Island and Vallejo on the other.

A public hearing was held before Examiner Geary at San Francisco August 11th, and the application having been duly submitted is now ready for our opinion and order.

Edward Miller, the first named partner, has been engaged for the past twenty years by water carrier transportation companies operating between points in the San Francisco bay districts, and in conjunction with his partner purchased on March 1st, 1927, the

launches and lighters formerly owned and operated by George Lewis under tariffs on file with this Commission. The evidence indicates that the lighters secured by this applicant have been utilized for the transportation of salt between the points set forth in this application for a number of years, and it is this applicant's intention to continue the operations. It appears that when the vessels were purchased applicant was under the belief that the operative rights held by the former owner would transfer automatically, and this application was filed after being informed that Section 50 (d) of the Public Utilities Act does not confer authority to transfer operative rights, a new certificate of public convenience and necessity being required under the provisions of the statute.

A witness for applicant testified that the service was rendered only when called for by the salt manufacturers and averaged from 1500 to 1800 tons a month, most of the tonnage moving to San Francisco, with only an occasional trip to Petaluma and Mare Island. The vessels employed are special in construction and only used in the salt business.

There was no opposition to the granting of the application.

Upon consideration of all the facts of record we are of the opinion and find that public convenience and necessity require the operation by applicants of launches and lighters for the transportation of salt between Mt. Eden Salt Works and San Francisco, Petaluma, Mare Island and Vallejo. The application 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 applicants, Edward Miller and Gusie I. Miller, co-partners operating under the fictitious name of Miller Launch Company, of vessels for the transportation of salt between Mt. Eden, San Francisco, Petaluma, Mare Island and Vallejo.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted, subject to the following condition: That applicants 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 salt, which shall be those shown in Exhibit "B" attached to the application.

Dated at San Francisco, California, this 18th day of August, 1927.

Albany
Leon Whitell
Thos. S. Lovett
M. A. Can
Commissioners.