Decision No. 22738.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application) of PETER BELLOMO for a wharf) franchise.

Application No. 16731.

BY THE COMMISSION:

ORDER APPROVING WHATF FRANCHISE

Peter Bellomo, a resident of the City of Bay Point, County of Contra Costa, State of California, by this application prays for an order of this Commission approving the action of the Board of Supervisors of the County of Contra Costa in granting to him for the term of twenty years a wharf franchise on the southerly shores of Suisum Bay situated in Supervisor District No. 4 in the County of Contra Costa, State of California, and more particularly described as contained and being within the following boundaries, to-wit:

Those certain lands bordering on the southerly shore of Suisum Bay in the County of Contra Costa, State of California, described as follows, to-wit:

Beginning at the northwest corner of the property of P. M. Bellomo, Bay Point, Contra Costa County, California, said northwest corner being at a point east seven fornia, said northwest corner being at a point east seven hundred hundred seventy-five (775) feet and north seven hundred hundred seventy-five (775) feet and north seven hundred ninety, from the southwest corner of Section 31, Township 3 North, from the southwest corner of Section 31, Township 3 North, from the southwest corner of Section 31, Township 3 North, from the southwest corner of Section 31, Township 3 North, from the southwest, thence south 670 15 east, one (190) feet into Suisun Bay; thence south 220 45 west hundred forty three (143) feet; thence south 220 45 west to the mean sea level line of Suisun Bay; thence in a west-to the mean sea level line to the erly direction along the said mean sea level line to the west line of the said property of P. M. Bellomo; thence along the west line of the said property of P. M. Bellomo; to the place of beginning.

It appears from the application that on June 16, 1930, the Board of Supervisors of the County of Contra Costa under Ordinance No. 200 granted to applicant a franchise together with the right to construct and maintain a wharf and to take tolls thereon as specifically set forth in its "Order Approving Bond and Passing Ordinance Granting Franchise", attached to the application.

In so far as an approval of this Commission may be necessary under the provisions of Section 2906 et seq. of the Political Code, of the right to erect, construct and maintain a wharf, such approval is hereby granted.

The Commission desires to point out, however, that the use of said wharf by the public and the collection of tolks for such use would result in Peter Bellomo transacting a public utility (i.e. wharfinger) business in this state. Such a result would require this applicant to file tariffs in conformity with the provisions of the Public Utilities Act.

Dated at San Francisco, California, this 476 day of August, 1930.

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Commissioners.