

**ORIGINAL**

Decision No. 22747

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of J. A. BEEK for certificate of  
public convenience and necessity  
to operate a ferry line for the  
transportation of passengers and  
property for compensation between  
points upon the inland waters of  
the State of California.

APPLICATION NO. 16668.

Paul Mason, for Applicant.

BY THE COMMISSION:

O P I N I O N

J. A. Beek, operating a common carrier ferry system between Balboa Beach and Balboa Island, both points on inland waters of the State, and also in the City of Newport Beach, Orange County, has made application to the Railroad Commission for a certificate of public convenience and necessity to conduct such operation.

A public hearing herein was conducted by Examiner Williams at Newport Beach.

Applicant has conducted ferry service under a franchise granted by the Board of Trustees of the City of Newport Beach, dated March 14, 1927, having previously operated without franchise since 1919. As all of the ferry boats used were under five tons net burden, the operation was exempt, under Section 2(y) of the Public Utilities Act, from procuring a certificate therefor.

Applicant now has acquired a ferry boat of nine tons net burden, which he proposes to put in service and for the use of which he requires a certificate. This additional boat has a capacity of 85 passengers and three automobiles - a capacity greater than the combined capacity of the three small boats now in use.

Mr. Beek testified that the growth of his business justified the use of larger equipment in the peak season (June 1 to September 30) each year, and that the smaller boats are inadequate and not economical during this period. It is his purpose to use the large boat in the season mentioned and to use smaller equipment at other periods. Some of the small equipment may be retired or used at other points. Mr. Beek testified that the utility ferry business has no debt and owns all of its equipment. No change in rates or schedules is to be made.

No one appeared to protest the granting of the certificate and good reason appears in the record to show that the certificate should be granted as applied for. An order accordingly will be entered.

#### O R D E R

J. A. Beek having made application to the Railroad Commission for a certificate of public convenience and necessity to establish and operate ferry service as a common carrier of persons and property between Balboa Beach at the northerly end of Palm Street, and Balboa Island, at Agate and South Bay Front Streets, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation of ferry service between Balboa Beach, northerly end of Palm Street, and Balboa Island, Agate and South Bay Front Streets, in the City of Newport Beach, Orange County, by applicant, J. A. Beck, for the transportation of persons and property as a common carrier over the inland waters of the State, to-wit, Newport Beach harbor, by the use of vessels of more than five (5) tons net burden, and to exercise therefor that certain franchise granted by the Board of Trustees of the City of Newport Beach, dated March 14, 1927, as set forth in the Application herein; and

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

Applicant shall publish and file a tariff constructed according to the rules of this Commission, setting forth the rates, rules, regulations and time schedules as shown in the application herein and Exhibit "B" attached thereto.

The effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 5<sup>th</sup> day of August 1930.

W. L. Seamy  
Emmett  
Leon Whitely  
Thos D. Lovell

Commissioners.