

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

Decision No. 3464

In the matter of the application)
 of Port Costa Wharf Company, a)
 corporation, for a certificate)
 of public convenience and neces-)
 sity to exercise renewal of wharf)
 franchise.)

Application No. 2364

BY THE COMMISSION.

ORDER

The Board of Supervisors of Contra Costa County
 having, on June 5, 1916, granted to Port Costa Wharf Company
 a renewal of a wharf franchise theretofore granted on July 6,
 1896, the renewal of said franchise being, in part, as
 follows:

"Resolved and ordered that the application
 of the said Port Costa Wharf Company, a
 corporation, for a renewal of the franchise
 granted by this Board to the Port Costa
 Wharf Company, a corporation, on July 6,
 1896, who is now the owner and holder there-
 of, be, and the same is hereby granted,
 and that the said franchise be, and the
 same is, hereby renewed, and that the said
 Port Costa Wharf Company, a corporation be,
 and it is hereby granted, for the term of
 twenty years, from the 5th day of June,
 1916, the right to erect, construct and
 maintain a wharf on the place mentioned in
 its petition and hereinafter described,
 and to take tolls for the use of the same
 at rates to be fixed by the Board of Super-
 visors of the County of Contra Costa, State
 of California, on all those certain over-
 flowed and submerged lands belonging to the
 State of California, over which the tide
 ebbs and flows, bordering on the Straits
 of Carquinez, a navigable arm of the sea,
 situate in Township Number Two, Supervisor
 District Number Two, in Contra Costa County,
 State of California, and more particularly
 described as contained within the following
 boundaries, to-wit:

Beginning at the northeast corner of the
 franchise granted by the Board of Super-
 visors of the County of Contra Costa, State
 of California, to the Port Costa Wharf Com-
 pany on May 1, 1882; thence S. 47°5' E.,

along the northeast boundary line of said wharf four hundred and three and 6/10 (403.6) feet to station; thence N. 42° 55' E., to the pier head line as established by the Board of Engineers of the United States Army in 1888; thence following said pier head line in a northwesterly direction to a point which bears N. 42° 55' E., from the point of beginning; thence S. 42° 55' W. to the point of beginning, being in quantity 32,620 square feet.

Subject however, to the approval of the Railroad Commission of the State of California."

And Port Costa Wharf Company having filed this application for a certificate declaring that public convenience and necessity require the exercise of the rights granted by the renewal of said franchise, and that said renewal be approved, and it appearing to the Commission that this is not a case in which a hearing is necessary and that the application should be granted,

IT IS HEREBY ORDERED that the Railroad Commission hereby approves the renewal of the wharf franchise above-mentioned, and declares that public convenience and necessity require the exercise by Port Costa Wharf Company of the rights granted to it by the Board of Supervisors of Contra Costa County in the renewal of said wharf franchise, upon the following condition, and not otherwise, to wit:

This order shall not become effective until Port Costa Wharf Company shall have filed with this Commission a stipulation, duly authorized by the Board of Directors of said corporation, stating that neither Port Costa Wharf Company, its successors or assigns, shall, at any time, claim before the Railroad Commission or any other body for rate fixing or other purposes, a value for said wharf franchise granted to said corporation by the Board of Supervisors of Contra Costa County on July 6, 1896, or the renewal of said wharf franchise granted to said corporation by the Board of Supervisors of said county on June 5, 1916, in excess of the actual cost of procuring

the same, which cost, if any, shall be stated in the stipulation and the Commission shall have issued a supplemental order herein stating that said stipulation has been filed, and approving the same.

Dated at San Francisco, California, this 28th day of June, 1916.

W. H. Loveland

Edwin O. Edgerton

Frank R. Doherty

Commissioners.