

Decision No. 29121

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
by the Commission on its own motion )  
into the rates, rules, regulations, )  
charges, classifications, practices, )  
contracts, operations and schedules, )  
or any of them, of SUDDEN STEAMSHIP )  
COMPANY. )

Case No. 3978

Gwyn H. Baker and Harry M. Wade, for Sudden  
Steamship Company.

Joseph J. Geary for Pacific Coastwise Conference.

Pillsbury, Madison & Sutro, by Hugh Fullerton.

W. M. Larrimore, for P. L. Transportation Company.

Leslie M. Rudy, for Marine Service Corporation.

HARRIS, COMMISSIONER:

O P I N I O N

This proceeding is an investigation by the Commission on its own motion particularly to determine whether or not the Sudden Steamship Company has abandoned any or all of its operations. Respondent was directed to appear and show cause, if any it had, why any or all operating rights now possessed by it should not be revoked and annulled and its tariffs cancelled.

Public hearings were had at San Francisco and the matter was submitted on briefs.

Respondent claims certain operative rights by virtue of

having operated vessels in good faith prior to August 21, 1933,<sup>1</sup> and in addition holds a certificate of public convenience and necessity authorizing specified transportation between several additional points.<sup>2</sup> Generally, respondent claims prescriptive rights for the transportation of property between points on San Francisco Bay and its tributaries on the one hand and Long Beach and San Diego on the other hand, and from and to San Simeon and Monterey. Certificated rights are held for the transportation of certain specified commodities from points on San Francisco Bay and its tributaries to Southern California ports, and of all commodities between Mare Island and Los Angeles Harbor and San Diego.

It appears that respondent discontinued regular scheduled operation early in 1934. Several trips were made thereafter but regular operation was not again resumed. In the latter part of 1934 respondent sold its vessel and it has not owned or operated any vessel since November of that year. There is some testimony to the effect that property was transported by other carriers under Sudden Steamship Company bills of lading for several months thereafter, but even though full recognition be given to this questionable arrangement it is clear that no common carrier

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<sup>1</sup>Section 50(d) of the Public Utilities Act as amended effective August 21, 1933, provides: "No corporation or person \*\*\* shall hereafter begin to operate or cause to be operated any vessel for the transportation of persons or property, for compensation, between points in this State, without first having obtained from the Railroad Commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required as to termini between which any such corporation or person is lawfully operating vessels in good faith under this Act as it existed prior to this amendment, under tariffs and schedules of such corporations or persons, lawfully on file with the Railroad Commission \*\*\*."

<sup>2</sup>Decision No. 27088 of May 21, 1934, in Application 19353, 39 C.R.C. 234.

service of any nature has been performed since February 23, 1935.

Thus for more than a year respondent has not rendered service as a common carrier, nor has it possessed equipment with which to transport property. At no time did it make formal application to this Commission for authority to suspend its common carrier service. Upon the record here made the conclusion is inescapable that respondent voluntarily discontinued common carrier operations without authority of the Commission. It has failed to show substantial cause why the operative rights now possessed by it should not be revoked and annulled and tariffs on file with the Commission cancelled.

I recommend the following form of order:

#### O R D E R

This matter having been duly heard and submitted and the Commission being now fully advised,

IT IS HEREBY ORDERED that any and all operative rights now possessed by Sudden Steamship Company to operate vessels as a common carrier between points in this State be and they are hereby revoked and annulled.

IT IS HEREBY FURTHER ORDERED that all tariffs and schedules now filed with this Commission by Sudden Steamship Company be and they are hereby cancelled.

The foregoing opinion and order are hereby approved and

ordered filed as the opinion and order of the Railroad Commission  
of the State of California.

Dated at San Francisco, California, this 21<sup>st</sup> day of  
September, 1936.

M B Davis  
Leon Cowdell  
M A Cunniff  
Walter Moore  
Commissioners.