

Decision No. 29483.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 GEORGE V. FREETHY for certificate of
 public convenience and necessity to
 operate tugs and barges for trans-
 portation of lumber, building mater-
 ials, hay and grain for compensation
 between points upon the inland waters
 of the State of California.

Application No. 20485.

BY THE COMMISSION:

ORIGINALOPINION ON REHEARING

By Decision No. 29117, dated September 20, 1936, in the above entitled proceeding, the Commission granted applicant George V. Freethy a certificate of public convenience and necessity to operate an "on call" common carrier vessel service for the transportation of brick from Port Costa to San Francisco, Sausalito and San Rafael, and lumber between San Francisco on the one hand and Petaluma and Sausalito on the other hand. Thereafter, applicant represented that through inadvertence arising from mistake and misapprehension he failed to present an affirmative and detailed showing as to other points from, to and between which he desired to transport lumber. He requested a rehearing for the purpose of making a full and complete showing.

Rehearing was had before Examiner E. S. Williams at San Francisco.

Numerous shipper witnesses testified in applicant's behalf. In general their testimony was to the effect that applicant's proposed

service if authorized would facilitate the handling of their lumber shipments and would result in a considerable saving to the shipper in handling costs and in dock or landing space. In this connection it is explained that the long boom maintained on applicant's barge is particularly suited to the handling of lumber from and to river banks where there is no wharf or at points where the wharves or landings are high above the level of the water, and that the greater space reached by this boom will permit direct loading and unloading to dock or landing space located away from the edge of the wharf or landing, thereby permitting utilization of this space without the necessity of re-handling from the edge of the dock. It is further stated that the hoisting machinery with which applicant's barge is equipped is capable of handling unusually large loads which will permit higher and wider stacking of lumber, resulting in a conservation of available dock or landing space. These witnesses testified that the proposed service is necessary and that no other carrier operating on the inland waters between the points involved has equipment capable of handling lumber as satisfactorily as applicant. The testimony of these witnesses generally embraced all points between which applicant proposes to transport lumber.

Applicant stipulated that he would restrict the proposed service in so far as it involves the transportation of lumber between points on San Francisco Bay and its tributaries by excluding points on the Sacramento River and its tributaries above Clarksburg, also Stockton and other points on the San Joaquin River, its tributaries and channels located within 10 miles of Stockton. The application was so amended on the record and protestants withdrew their opposition.

Upon consideration of all the facts now of record we are

of the opinion and find that the operative right granted in our original order should be modified so as to permit the transportation of lumber between the points set forth in the application, as amended. An appropriate order will be entered.

ORDER ON REHEARING

Rehearing in the above entitled proceeding having been had and a full investigation of the matters and things involved having been made,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by George V. Freethy of an "on call" common carrier vessel service for the transportation of brick from Port Costa to San Francisco, Sausalito and San Rafael, and lumber and lumber products, viz., lumber, rough or surfaced, flooring, lath, shakes, shingles and railroad ties (a) between San Francisco on the one hand, and Oakland, Alameda, Berkeley, Sausalito, San Quentin, San Rafael, Petaluma, Napa, Pittsburg, Antioch, all landings on the main stream of the Sacramento River, Clarksburg and below to and including B. B. Ranch west of Collinsville, all landings on the main stream of the San Joaquin River and the Stockton deep water channel situated below a point 10 miles from Stockton towards San Francisco, and all landings on navigable waters tributary to the San Joaquin River as hereinbefore described, and above Antioch but not including Georgiana Slough and landings on Three Mile Slough, on the other hand; (b) between Oakland and Alameda; (c) between vessels anchored or docked in San Francisco Harbor on the one hand, and docks, wharves or piers in San Francisco, on the other hand; and (d) between docks, wharves, and

piers in San Francisco on the one hand, and other docks, wharves and piers in San Francisco, on the other hand.

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

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
2. Applicant shall file in duplicate within a period of not to exceed thirty (30) days from the date hereof, effective on not less than ten (10) days' notice to the Railroad Commission and the public a tariff or tariffs constructed in accordance with the requirements of the Commission's Tariff Circular and containing rates and rules which in volume and effect shall be identical with the rates and rules shown in Exhibit No. 1 submitted at the hearing, as amended, in so far as they conform to the certificate herein granted, or rates and rules satisfactory to the Railroad Commission.
3. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been obtained.

IT IS HEREBY FURTHER ORDERED that in all other respects the application be and it is hereby denied.

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

Dated at San Francisco, California, this 18th day of January, 1937.

W. H. ...
Leon ...

Ray ...
W. L. ...
Commissioners.