

Decision No. 30049.

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 NELSON STEAMSHIP
COMPANY.

Case No. 4209

Frank P. Walsh for Sterling Carr, Attorney
for Sidney M. Hauptman, Trustee of Nelson
Steamship Company.
C. O. Burgin for Stockton Traffic Bureau.

WAKEFIELD, Commissioner:

O P I N I O N

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

A public hearing was had at San Francisco and the matter was submitted.

Respondent's claim to operative rights arises by virtue of having operated vessels in good faith prior to August 21, 1933,¹ and by certificates of public convenience and necessity granted by this Commission.² Its claim to prescriptive rights as reflected by tariff

¹ The effective date of the amendment to Section 50 (d) of the Public Utilities Act requiring coastwise vessel operators to secure a certificate of public convenience and necessity from this Commission.

² Decision No. 27088 of May 21, 1934, in Application No. 19320 and Decision No. 26824 of February 26, 1934, in Application No. 19268.

filings generally embraces the transportation of property between points on San Francisco Bay and its tributaries on the one hand and Eureka, Humboldt Bay points, Port San Luis, Santa Barbara, Los Angeles Harbor and San Diego on the other hand; and between Los Angeles Harbor and San Diego; and the transportation of forest products between northern California ports on the one hand and southern California ports on the other hand. Certificated rights authorize respondent to transport certain commodities from particular points on San Francisco Bay and its tributaries to southern California ports and property generally between Mare Island and southern California ports. Respondent also holds certificated rights to operate vessels of the so-called "freighter type" carrying passengers not in excess of 16 per vessel between San Francisco and Los Angeles Harbor and also between San Francisco and/or Los Angeles Harbor and San Diego.

Counsel for Sidney M. Hauptman, Trustee for respondent Nelson Steamship Company, appointed following the approval of a petition for reorganization under Section 77-B of the National Bankruptcy Act, appeared at the hearing and stated that all passenger and freight service of respondent had been discontinued,³ that all vessels were being sold or had been sold, and that there was no intention on the part of respondent to resume either passenger or freight service now or hereafter.

Upon consideration of all the facts of record it must be concluded that respondent has abandoned such operative rights as it may have possessed as a common carrier of passengers and property by vessel

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By Decision No. 27977 of May 20, 1935, in Application No. 19908 respondent was authorized to suspend its passenger service from May 20, 1935, until March 30, 1936, and by Decision No. 28663 of March 23, 1936, in the same application was authorized further to suspend its passenger service until March 30, 1937; however, no authority to suspend service beyond that date has been obtained. Likewise, by Decision No. 29200 of October 19, 1936, in Application No. 20782 respondent was authorized to suspend its freight service from October 19, 1936, until September 22, 1937.

between points in this state and that no good cause has been shown why the operative rights now possessed by it should not be revoked and annulled and tariffs on file with the Commission cancelled.

The following form of order is recommended:

ORDER

The matter having been duly heard and submitted,

IT IS HEREBY ORDERED that the operative rights possessed by Nelson Steamship Company, a corporation, 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 the Commission by Nelson Steamship Company, a corporation, be and they are hereby cancelled.

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

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 16th day of August, 1937.

Walter M. ...
Leon ...
James R. ...
Robert ...
Walter ...
Commissioners