

Decision No. 3045.1

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of SAN DIEGO-SAN FRANCISCO STEAMSHIP
COMPANY for leave to temporarily
discontinue regular service.

}
} Application No. 20417

BY THE COMMISSION:

ORIGINAL

OPINION AND ORDER

By Decision No. 30044, of August 16, 1937, in the above entitled application, San Diego-San Francisco Steamship Company, a co-partnership, was authorized to suspend its service as a common carrier by vessel until January 1, 1938.¹

Two supplemental applications have now been filed, seeking an order authorizing a further suspension of such service. In the first, filed December 27, 1937 by James K. Nelson, it is alleged that said petitioner is a co-owner of the operative rights of said San Diego-San Francisco Steamship Company, the other co-owner being Milner J. Anderson, Trustee in Bankruptcy of Eberhard H. Stahlbaum. It is further alleged that the Referee in Bankruptcy has authorized said Milner J. Anderson to sell his interest as Trustee in said operative rights, and the interest of said Eberhard H. Stahlbaum, to petitioner James K. Nelson; that an application for authority to make such transfer of said operative rights will shortly be filed with this Commission², but that legal technicalities yet to be completed in pending court proceedings make it impossible to

¹ The tariffs of the San Diego-San Francisco Steamship Company, on file with the Commission, name rates for the transportation of property between San Francisco, Stockton and other points on San Francisco Bay and waters flowing therein, on the one hand, and Long Beach, San Diego and other points in southern California on the other hand; between San Francisco, Stockton, Long Beach and San Diego on the one hand and Monterey on the other hand; and also between Long Beach and San Diego.

² Application for authority to make such transfer has since been filed. (Application No. 21678, filed December 31, 1937).

file said application and obtain an order authorizing said transfer prior to January 1, 1938. It is believed by petitioner that arrangements to resume said service and operations can be completed prior to February 1, 1938. An order authorizing a further suspension of service until February 1, 1938 at least is prayed.

In the other supplemental application, filed December 28, 1937 by "San Diego-San Francisco Steamship Company, Rolf Stahlbaum, Manager", authority to suspend scheduled service for a further period of nine months is sought. It is alleged that due to present unsettled business conditions freight is not offered in sufficient volume to justify maintenance of such service. It is anticipated by said petitioner that the investigation now being conducted by this Commission into the rates and practices of common carriers will result in the establishment of a rate structure under which said service will again become profitable and can be resumed.

In Decision No. 30044, supra, it was stated by the Commission that San Diego-San Francisco Steamship Company would be expected on or before January 1, 1938, "either to resume its scheduled service or relinquish its operative rights." In view of this notification and of the fact that the service of this carrier has already been suspended since March 1936 (Decision No. 28657, March 23, 1936), the allegations of the supplemental application of Rolf Stahlbaum are insufficient to justify the nine months further suspension sought. It appears from the supplemental application of James K. Nelson, however, that although the latter petitioner has exerted every reasonable effort to effect a resumption of service within the specified period, legal technicalities outside his control have prevented completion of arrangements, but that such obstacles will soon be overcome.

It appears that this is a matter in which a public hearing is not necessary and that suspension until February 1, 1938 should be

authorized. Therefore, good cause appearing,

IT IS HEREBY ORDERED that the San Diego-San Francisco Steamship Company, a co-partnership, be and it is hereby authorized to suspend its service until February 1, 1938, provided it promptly supplement its tariffs on file with the Commission to show that its service has been further suspended as authorized herein.

This order will become effective on the date hereof.

Dated at San Francisco, California, this 31st day of

December, 1937.

Leon Whisell
Frederic D. Brown
Rafael J. ...

Commissioners