

Decision No. 30827

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of KEY SYSTEM, a corporation, for a certificate of public convenience and Necessity to operate a ferry boat service for the transportation of passengers for compensation between points upon the inland waters of the State of California.) Application No. 21788

DONAHUE, RICHARDS & HALLIN, by FRANK S. RICHARDS, for the Applicant.

ANDREW J. GALLAGHER, in propria persona.

JOHN J. O'TOOLE, City Attorney, by DION R. HOLM, Assistant City Attorney, for the City and County of San Francisco.

HELLER, WHITE & McAULIFFE, by LLOYD W. DINKELSPIEL, for the California Toll Bridge Authority.

H. C. LUCAS and JOHN A. MAATTA, for the Pacific Greyhound Lines, interested party.

WALTER A. ROEDE, for San Francisco Chamber of Commerce. HARRY A. BOLLES, for the Commandant of 12th Naval District. T. G. DIFFERDING, for Oakland Chamber of Commerce. I. S. SHATTUCK, for the Exposition Company. JOHN D. PHILLIPS, City Attorney, and CHESTER FISK, Assistant City Manager, for the City of Berkeley. CARL SUNDBERG, for the Gray Line, Inc.

DEVLIN, COMMISSIONER:

FIRST SUPPLEMENTAL ORDER

The Commission, by its Interim Order in Decision No. 30769, dated April 11, 1938, in the above entitled proceeding, granted Key System a certificate of public convenience and necessity to operate a ferry boat service for an experimental period of ninety (90) days from the date of commencement for the transportation of passengers between and serving the following named termini and along the following routes:

- A. Between San Francisco (Foot of Market Street) and Treasure Island (Site of Golden Gate International Exposition).

3. Between the Oakland Pier terminal of Key System and said Treasure Island.

The Key System and Golden Gate International Exposition on April 14, 1938, filed a second amended application alleging that:

1. Before Key System can commence operation, it must be in a position to assure Golden Gate International Exposition that it is prepared to perform the service to the Exposition, not only prior to the opening of the Exposition, but during the Exposition and for a period thereafter, as set forth in the original application.
2. That Key System must be assured of a certificate as prayed for in the original application before it is justified in making commitments to purchase or lease passenger boat equipment.
3. That there are other necessary commitments which Key System must make at this time to insure adequate service to the Exposition, which commitments cannot be made until the Company has received from your Honorable Body a certificate as prayed for in the original application.

and thereupon requested that the matter be reopened for the purpose of taking further testimony on the subject of the time limit for the certificate of public convenience and necessity.

In the original application a certificate is sought to operate such ferry service only for the time prior to and during the existence of the Golden Gate International Exposition. No permanent operative rights are sought therein.

A further hearing was conducted in this matter before Examiner Hunter at San Francisco, April 18, 1938.

Witnesses W. P. St. Sure, Vice-President of the Key System, and W. P. Day, Vice President of Golden Gate International Exposition, offered testimony in support of the allegations set forth in the second amended application which are referred to above, to the effect that the parties find it impracticable to negotiate under the said ninety (90) day certificate, particularly with respect to financing the necessary equipment.

The cities of San Francisco and Berkeley, as well as the San Francisco Chamber of Commerce, take the position that they are not opposed to extending the time limit for this certificate to cover

the period of the Exposition and terminating on December 31, 1939. These parties do, however, desire an opportunity to participate in any further hearings in which rates are involved. No opposition developed to the request to extend the effective time of this certificate to December 31, 1939.

A careful review of this record leads to the conclusion that the Commission's order in its said Decision No. 30769 should be amended to provide that the certificate of public convenience and necessity will apply to the so-called pre-Exposition and Exposition period, and shall terminate on December 31, 1939. In all respects other than the time limit placed upon the certificate, Decision No. 30769 shall remain in full force and effect.

IT IS ORDERED that the Interim Order of said Decision No. 30769 is modified to read as follows:

"INTERIM ORDER

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation by Key System of a ferry boat service for the period from the effective date of this order to December 31, 1939, for the transportation of passengers between and serving the following named termini, and along the following routes:

1. Between San Francisco (Foot of Market Street) and Treasure Island (Site of Golden Gate International Exposition).
2. Between the Oakland Pier terminal of Key System and said Treasure Island.

IT IS ORDERED that a certificate of public convenience and necessity therefor is hereby granted to the Key System for a period from the effective date of this order to December 31, 1939, subject to the following conditions:

- (1) Applicant shall file a written acceptance of the certificate herein granted within a period not to exceed fifteen (15) days from the date hereof.

- (2) Prior to the commencement of any of the service herein authorized, applicant shall file, in triplicate, and concurrently make effective on not less than one (1) day's notice to the Railroad Commission and the public, a tariff or tariffs, together with a time schedule or schedules, constructed in accordance with the requirements of the Commission's General Orders, and containing rates and rules which in volume and effect shall be identical with the rates and rules filed in this proceeding, or rates, rules, and time schedules satisfactory to the Commission.

The authority herein granted shall become effective on the date hereof."

The foregoing Supplemental Order is hereby approved and ordered filed as the Supplemental Order of the Railroad Commission of the State of California.

Dated, San Francisco, California, April 25, 1938.

Walter M. ...
Iron ...
Frank R. ...
Railroad ...

Commissioners