

Decision No. 31530

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of MARINE SERVICE CORPORATION, a corporation, for a permit under the For-Hire Vessel Act of the State of California to operate vessels for the transportation of stevedore gear, etc., for compensation on the inland waters of the State of California.

Application No. 21650

ORIGINAL

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

By Decision No. 30968 in the above entitled proceeding, the Commission denied the application of Marine Service Corporation for a permit to transport stevedore gear and power lift trucks by vessel between San Francisco on the one hand and Oakland, Alameda and Richmond on the other hand, on the ground that applicant's proposed operation did not conform to the requirement of the For-Hire Vessel Act that service be distinguishable from that for which a certificate of public convenience and necessity is required under the Public Utilities Act.¹ Applicant has now filed a petition stating that its proposal has been amended to comply with the aforesaid requirement of the For-Hire Vessel Act, and requesting that the Commission either grant a rehearing or, in the alternative, set aside said Decision No. 30968 and issue the for-hire vessel permit sought.

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In denying this application the Commission said: "From the circumstances surrounding applicant's proposal and the manner in which the service is to be performed it must be concluded that the applicant intends to hold itself out to transport stevedore equipment between the points involved for the public generally and that this holding out is circumscribed only by the capacity and efficient use of the applicant's equipment. For these reasons the application must be denied. Applicant should bring the proposed operation into conformity with the For-Hire Vessel Act, or if it desires to perform a common carrier service, apply for an application for such service as required under Section 50 (d) of the Public Utilities Act."

Applicant alleges that there are at least nine stevedoring companies which ship stevedore gear and power lift trucks between San Francisco and East Bay points. Under its present proposal it will confine its service to transporting shipments made by Associated-Banning Company and Schrimmer Stevedoring Company, Ltd. with which concerns it has entered into written contracts, copies of which have been filed with the Commission.

It seems that this is a matter in which a further hearing is not necessary. On the record as it now stands the proposed operation appears to comply with the requirements of the For-Hire Vessel Act. The permit will be issued. Therefore, good cause appearing,

IT IS HEREBY ORDERED that the order in Decision No. 30968 of June 13, 1938, in the above entitled proceeding, be and it is hereby vacated and set aside.

IT IS HEREBY FURTHER ORDERED that a permit be issued to Marine Service Corporation, to operate Barge No. 8, the tug "Rover", and the motor ships "Harriet", "Surf" and "Higgins", as for-hire vessels between San Francisco on the one hand and Oakland, Alameda and Richmond on the other hand, for the transportation of stevedore gear and power lift trucks as described in Rules Nos. 10, 15 and 20 of Schedule "B" attached to the application, for Associated-Banning Company and Schrimmer Stevedoring Company, Ltd., subject to the following conditions:

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

2. Applicant shall file in duplicate with its acceptance of the permit and on not less than five (5) days' notice to the Commission and the public, a tariff specifying the shippers to be served as herein authorized and containing rates and rules which in volume

and effect shall be identical with the rates and rules set forth in Schedule "B" of its application, or rates and rules satisfactory to the Commission.

3. The applicant shall, in instances where the vessel or vessels used under the authority here granted are also used in common carrier service, or in other for-hire vessel services, maintain records that will disclose clearly the revenues and expenses attributable to operation under this permit.

4. This permit and the rights and privileges exercisable thereunder shall not be sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such sale, lease, transfer or assignment has first been obtained.

This order shall become effective twenty (20) days from the date hereof.

Dated at Los Angeles, California, this 5th day of December, 1938.

Rayburn
Francis D. Allen
Ray L. Cress
Commissioners