

Decision No. 23592

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)

McCORMICK STEAMSHIP COMPANY,
a California corporation, to transfer,
assign, and set over, and the
Application of)

THE McCORMICK STEAMSHIP COMPANY,
a California corporation, to acquire,
operative rights, privileges and
franchises as a common carrier and as
an operator of public utility properties.)

ORIGINAL

Application No. 23592

BY THE COMMISSION:

O P I N I O N

This is an application for an order of the Railroad Commission authorizing McCormick Steamship Company to transfer its operative rights to The McCormick Steamship Company.

McCormick Steamship Company is a corporation engaged in operating vessels for the transportation of property. It has tariffs on file naming rates for transportation between ports in California, and carloading tariffs, although it appears that its intrastate operations constitute but a small part of its total business. The tariffs on file with the Commission are referred to in the application as follows:

1. Pacific Coastwise Freight Tariff Bureau
(John Byrne, Agent)

Tariff No. 1-C; C.R.C. No. 30.

Local and Proportional Tariff naming class and Commodity Rates between San Francisco, Oakland, Alameda, Richmond and other San Francisco Bay ports, and Long Beach, Los Angeles Harbor, and San Diego, California.

2. Pacific Coastwise Freight Tariff Bureau
(John Byrne, Agent)

Tariff No. 3-N; C.R.C. No. 31.

Terminal, and other allowances and privileges.

3. Pacific Coastwise Freight Tariff Bureau
(John Byrne, Agent)

Tariff No. 12-A; C.R.C. No. 19.

Local, Joint and Proportional Tariff naming Class and Commodity rates between Sacramento, Stockton, California, and other points in California, and Long Beach, Los Angeles Harbor, San Diego, California.

4. Pacific Coastwise Freight Tariff Bureau
(John Byrne, Agent)

Tariff No. 14-B; C.R.C. No. 25.

Rates, Charges, Rules and Regulations governing loading to and unloading from cars on traffic moving between ports on Pacific Coast, applying at regular terminals at Long Beach, Los Angeles Harbor, San Diego and San Francisco Bay ports.

5. Pacific Lumber Carriers' Association
(R.C. Parker, Agent)

Tariff No. 1; C.R.C. No. 4.

Rates on forest products between ports in California.

6. Pacific Lumber Carriers' Association
(R.C. Parker, Agent)

Tariff No. 4-D; C.R.C. No. 3.

Carloading rates on forest products at terminals on San Francisco Bay.

7. Pacific Lumber Carriers' Association
(R.C. Parker, Agent)

Tariff No. 2; C.R.C. No. 2.

Carloading rates on forest products at Los Angeles Harbor and Long Beach, Calif.

8. San Francisco Bay Carloading Conference
(J.P. Williams, Agent)

Tariff No. 1; C.R.C. No. 1.

Carloading tariff.

The 1939 annual report of the company shows that all of its outstanding stock is owned by Puget Mill Co. and Rainier Investment Co. It appears that as a part of a plan of reorganization, those in

control of the affairs of the corporations have caused the organization, on or about June 24, 1940, under the laws of the State of California, of The McCormick Steamship Company and propose to have transferred to it furniture and fixtures and operative rights now held by the present company, that is, McCormick Steamship Company. Thereafter, the present corporation will be liquidated and dissolved and by appropriate proceedings the name, The McCormick Steamship Company, will be changed to McCormick Steamship Company.

On February 6, 1939, the Commission instituted an investigation on its own motion, Case No. 4394, for the purpose, among others, of determining the nature, scope and extent of the intrastate operating rights of coastwise common carriers by vessel, including, among others, McCormick Steamship Company. A final order has not been made in Case No. 4394 and accordingly nothing in this decision should be construed as a determination of the rights, if any, of McCormick Steamship Company. The order herein will permit the transfer of only such rights, if any, as McCormick Steamship Company may have. The nature, scope and extent of such rights hereafter will be defined in the decision in Case No. 4394. In this connection in the present application The McCormick Steamship Company agrees that there be binding on and applicable to it any orders or opinions of the Commission which may be issued in any proceeding in which the present company may be a party.

O R D E R

Application having been made to the Railroad Commission for an order authorizing the transfer of operative rights and the Commission having considered the matter and being of the opinion that this is not a matter in which a public hearing is necessary and that the request of applicants should be granted, as herein provided,

IT IS HEREBY ORDERED that McCormick Steamship Company be, and it is hereby is, authorized to transfer, on or before December 31, 1940, such intrastate and carloading operative rights as it may have to The McCormick Steamship Company.

IT IS HEREBY FURTHER ORDERED that McCormick Steamship Company and The McCormick Steamship Company shall join in common supplement to the tariffs now on file for McCormick Steamship Company, in which common supplement McCormick Steamship Company shall withdraw from and The McCormick Steamship Company shall adopt such tariffs and all effective supplements thereto.

IT IS HEREBY FURTHER ORDERED that the Commission retains the right to make a subsequent determination of the nature, scope and extent of the operative rights of McCormick Steamship Company or The McCormick Steamship Company.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this 6^d
day of August, 1940.

Ray & Wiley
James D. Hall
Robert D. Hall
M. H. Hall
Justin J. Cullen
Commissioners.