

ORIGINAL

Decision No. 37659

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION of )  
 Adelia K. G. Peterson and Roy Peterson, )  
 dba Success Towage and Transportation ) Application No. 26492  
 Company, for permit to operate vessels )  
 under the "For-Hire Vessels Act." )

BY THE COMMISSION:

OPINION AND ORDER

In this proceeding, Adelia K. G. Peterson and Roy Peterson, doing business as Success Towage and Transportation Company, seek a "For-Hire Vessel" permit for the transportation of explosives between points on San Francisco, San Pablo and Suisun Bays, Carquinez Straits and Napa Bay to and including Vallejo.

The verified application shows that the Petersons are owners of the tugboat "G.B.Marshall" and five barges of wooden construction ranging in load-carrying capacity from 50 to 275 tons each; and that they propose to utilize this equipment in the transportation operation here involved under contract with the United States Government, Hercules Powder Company, Atlas Powder Company, Trojan Powder Company and DuPont Company. The rate to be charged is \$3.00 per ton, minimum charge \$60.00 per shipment.

The application appears to meet the requirements of the "For Hire Vessel Act" in all essential respects. A permit will be issued.

Applicant is placed upon notice that "operative rights" as such do not constitute a class of property which may be capitalized or used as an element of value in rate-fixing for any amount of money

in excess of that originally paid to the State as the consideration for the grant of such permits. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be changed or destroyed at any time by the State which is not in any respect limited to the number of permits which may be issued.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that a "For-Hire Vessel" permit be and it is hereby issued to Adelia K. G. Peterson and Roy Peterson, doing business as Success Towage and Transportation Company, to operate those certain wood hull barges, and the tugboat "G.B. Marshall," as for-hire vessels on San Francisco, San Pablo and Suisun Bays, Carquinez Straits and Napa Bay to and including Vallejo for the transportation of explosives for the United States Government, the Hercules Powder Company, Atlas Powder Company, Trojan Powder Company and DuPont Company, via all navigable routes.

IT IS HEREBY FURTHER ORDERED that in the operation of the vessel service authorized in the preceding ordering paragraph the aforesaid applicants shall comply with and observe the following service regulations:

1. File written acceptance of the permit herein granted within a period of not to exceed thirty (30) days from the date hereof.
2. File in triplicate a tariff showing the rates and charges applicable to the service which shall conform to the rates and charges hereinbefore stated, specifying the shippers to be served, as herein authorized, within sixty (60) days from the effective date hereof and on not less than one (1) day's notice to the Commission and to the public.

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

Dated at San Francisco, California, this 6<sup>th</sup> day of February, 1945.

Richard Rudman  
Justin F. Cooper  
Richard Kachse  
Francis W. Coe  
Irving D. Powell  
Commissioners