

ORIGINAL

Decision No. 47700

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ANGEL ISLAND FOUNDATION, INC., a)
 corporation, and PACIFIC MARITIME &)
 ENGINEERING ACADEMY, INC., a corporation,)
 for a certificate of public convenience) Application No. 33720
 and necessity to operate a WATER TAXI)
 service to transport persons between)
 points on San Francisco Bay on one day)
 only, to-wit: Sunday, September 21, 1952.)

Neil Cunningham for applicants.
L. C. Bedient for Harbor Tug and Barge Company,
 interested party.

O P I N I O N

Angel Island Foundation, Inc., and Pacific Maritime and Engineering Academy, Inc., request the issuance of a certificate of public convenience and necessity authorizing them to transport persons between points on San Francisco Bay and Angel Island on Sunday, September 21, 1952.

A public hearing was held at San Francisco before Examiner Silverhart.

Applicants propose round trip fares of \$1.50, including tax, for adults, and \$.75 for children under 12.

Property will not be transported, except that which is carried as baggage by passengers.

Applicants are nonprofit corporations who are engaged in activities looking toward preserving Angel Island for historical and recreational purposes and presently are attempting to induce the U. S. Government to convey Angel Island to the State of California, or one of its political subdivisions. Applicants have designated Sunday, September 21, 1952 "Angel Island Day" to enable persons in the Bay Area to visit Angel Island and to demonstrate to the U. S. Government public interest therein. Seven vessels, each approximately 65 feet long with a beam of 16 feet and powered by a Gray Marine Diesel engine, have been chartered for the purpose

of conveying passengers to and from Angel Island. Each vessel is to be operated by a boat operator and 2 deckhands who will be supplied by Maro Island Ferry Company.

Applicants allege that the authority herein sought is for the purpose of accommodating persons who may desire to travel to Angel Island on Sunday, September 21, 1952, and that existing certificated carriers are not available for such purpose.

Under the circumstances here disclosed we find that public convenience and necessity require that the application be granted.

Angel Island Foundation, Inc., and Pacific Maritime and Engineering Academy, Inc., are 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 rights. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. 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 rights which may be given.

O R D E R

An application having been filed and a public hearing having been held thereon,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Angel Island Foundation, Inc., and Pacific Maritime & Engineering Academy, Inc., authorizing them to transport persons and their baggage by vessel, as defined in Section 238 of the Public Utilities Code, on September 21, 1952, between points on San Francisco

Bay and Angel Island.

(2) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (a) Within one day after effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within five days after the effective date hereof, and upon not less than one day's notice to the Commission and the public, applicants shall establish the service herein authorized, and file in triplicate and concurrently make effective, tariffs and time schedules satisfactory to the Commission.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 16th day of September, 1952.

A. J. [Signature]
 PRESIDENT
Justice J. Coe
Harold Hale
Robert E. Mitchell
 COMMISSIONERS