

**ORIGINAL**Decision No. 48517

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 BRYAN BAYLY, dba HARBOR WATER TAXI CO.,  
 for certificate to operate as a common  
 carrier by vessel between Long Beach  
 and Avalon.

Application No. 34106

Clyde Thomas, for applicant. John Phipps and  
Harry Neer for Catalina Boat Service, protestant.  
Henry E. Jordan, for Bureau of Franchises & Public  
 Utilities, City of Long Beach, and M. J. Renton, for  
 Catalina Island Steamship Line, interested parties.

O P I N I O N

Applicant is engaged in the common carriage of persons by vessel between Wilmington and Avalon. By this application a request is made for a certificate of public convenience and necessity to permit the transportation of persons by vessel between Long Beach and Avalon.

A public hearing was held on April 14, 1953, in Los Angeles before Examiner Syphers at which time evidence was adduced and the matter submitted.

The proposal of applicant as amended at the hearing is to conduct a scheduled service during the months of June, July and August, and an "on-call" service for the remaining nine months of the year. In this service applicant proposes to use as many as may be required and can be spared of the motor cruisers and water taxis which he now owns and operates

between Wilmington and Avalon. He presently has three motor cruisers and two water taxis and anticipates that a deluxe motor cruiser will soon be put into service. Applicant has made arrangements for the hire of additional water taxis if they are needed. It is the proposal herein to start the proposed service with one water taxi, the Torqua.

The rates proposed to be charged are the same as those applicant now charges between Wilmington and Avalon, which rates are as follows:

	<u>One Way</u>	<u>One Way Child</u>	<u>Ten Ride Commutation Book</u>
Fare	\$ 2.74	\$ 1.25	\$ 12.50
Tax	.41	.19	1.88
Landing Fee	<u>.25</u>	<u>.25</u>	
Total	\$ 3.40	\$ 1.70	\$ 14.38

The rules and regulations and conditions under which tickets are sold will also be the same.

Applicant has made an arrangement for landing and loading facilities at Pierpoint Landing in Long Beach. If the application is granted it is expected that service will begin in June of 1953.

Applicant alleges that he is financially able to conduct the proposed operations and in this connection reference was made to the financial statements filed in Application No. 33968. It should be noted that Application No. 33968 was a request by this same applicant for an increase in fares and resulted in Decision No. 48327, dated March 2, 1953, which decision authorized fares between Wilmington and Avalon which are identical with those proposed herein. The record made in that prior case was incorporated in this record.

In summary, applicant's proposal is to conduct a service from Long Beach to Avalon which is practically identical with the present service from Wilmington, having the same rates and using the same type of equipment. The operations will be insured for public liability in the amounts of \$50,000 and \$100,000 and, also, property damage insurance will be carried. The "on-call" service will be subject to a minimum of ten one-way adult fares.

There is no present service between Long Beach and Avalon such as is proposed herein.

The general manager of Pierpoint Landing and the general manager of the Long Beach Harbor Department presented testimony relating to Pierpoint Landing. It was described as a recreational center located at the extreme south end of Pico Street, Pier A, in Long Beach. It consists of a large parking area, a boat landing, seafood markets, restaurants and various types of shops. Boating facilities are available. It has water side floats and docks for loading and unloading boats and applicant herein will have full use of these facilities. This landing which has been developed by the Long Beach Harbor Department is experiencing a growing public use. The witnesses stated that they have had many requests for transportation to Catalina Island from people who have visited Pierpoint Landing. Exhibits 4 and 5 are pictures of Pierpoint Landing. Exhibits 1 to 3 are pictures of two motor cruisers and a water taxi which are owned and operated by applicant.

Additional testimony was presented by the mayor of the City of Avalon, the president of the Avalon Chamber of

Commerce, and a travel service operator in Avalon, each of whom testified that there was a demand for the proposed service.

The only opposition to the application was by representatives of the Catalina Boat Service, which company does not now operate between Long Beach and Avalon but which has an application on file for such a service. There was no opposition from the Catalina Island Steamship Company and applicant herein stated that he would not oppose an application by that company for operating authority from Long Beach.

Upon a full review of this record the Commission finds that public convenience and necessity require the operation of a service for the transportation of persons and their hand baggage by vessel between the City of Long Beach on the mainland and the City of Avalon on Catalina Island.

Bryan Bayly, doing business as Harbor Water Taxi Company, is hereby 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

Application as above entitled having been filed, public hearing having been held, the matter having been submitted and the Commission being fully advised in the premises,

IT IS HEREBY ORDERED:

(1) That a certificate of public convenience and necessity as provided in Section 1007 of the Public Utilities Code be, and it hereby is, granted to Bryan Bayly, doing business as Harbor Water Taxi Company, authorizing the establishment and operation of a service as a common carrier for the transportation of persons and their hand baggage by vessel between Long Beach and Avalon on Catalina Island.

(2) The foregoing certificate is granted subject to the following conditions and service regulations:

- (a) That the common carrier service herein authorized shall be performed on a scheduled basis during the months of June, July and August of each year, and on an "on-call" basis for the remainder of each year.
- (b) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty days from the effective date hereof.
- (c) Within sixty days after the effective date hereof, and upon one day's notice to the Commission and the public, applicant 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 twenty days after the date hereof.

Dated at San Francisco, California, this 19th day of May, 1953.

R. J. [Signature]  
President

Justus F. [Signature]

[Signature]

[Signature]  
Commissioners