

ORIGINALDecision No. 51941

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of EDWARD B. SCOTT, dba)
 LAKE TAHOE NAVIGATION AND SUPPLY CO.,)
 to operate vessel passenger service)
 between points along the California)
 shore of Lake Tahoe, California, and)
 to establish fares therefor.)

Application No. 37139

Edward B. Scott, in propria persona.O P I N I O N

This applicant presently conducts a vessel passenger service on Lake Tahoe between points in Nevada and California, under authority of a certificate of public convenience and necessity issued March 4, 1952, by the Interstate Commerce Commission. He also has been using his four motorized vessels, one of which is forty feet in length and carries twenty-five passengers, in charter service serving only points in California. This application, filed July 15, 1955, requests authority to conduct service on the Lake as a common carrier by vessel between the California points of Brockway, Kings Beach, Tahoe Vista, Sandy Beach, Carnelian Bay, Tahoe City, Tahoe Tavern, Sunnyside Bay, Homewood, Chambers Lodge, Tahoma, May-Ah-Mee Lodge, Meeks Bay, Emerald Bay, Vikingsholm, Camp Richardson, Al Tahoe, Bijou, Lakeside and Stateline.

Public hearing was held on August 11, 1955, in Tahoe City before Commissioner Ray E. Untereiner and Examiner John A. Rowe, at which time evidence was adduced and the matter submitted.

Applicant Scott testified that he has been licensed to operate vessels for twenty years by the United States Coast Guard

and that all of his operators are so licensed. He presently has sufficient equipment to carry on this proposed operation. He intends, however, to substitute a larger vessel, powered with a diesel motor, which he states will better serve the public and reduce operating expense.

The applicant proposes a scheduled operation during the period from approximately June 1 through September 15 of each year. During the balance of each year an "on-call" service is proposed. The evidence is sufficient to support the finding which the Commission makes that the proposed service is required by public convenience and necessity. Notice of the application and of the hearing thereon was duly given as required by the Commission. No one appeared to protest granting the requested authority. Applicant has sufficient financial ability to carry on this service. After a consideration of all the evidence of record, we conclude that the application should be granted. Applicant testified that there are no certificated competing vessel services.

Applicant is hereby placed on 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 between points in the State of California. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited as 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 thereon, the Commission being fully advised in the premises and hereby finding that public convenience and necessity so require,

IT IS 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 Edward B. Scott, authorizing the establishment and operation of vessels on Lake Tahoe for the transportation of persons and their baggage as a common carrier between Brockway, Kings Beach, Tahoe Vista, Sandy Beach, Carnelian Bay, Tahoe City, Tahoe Tavern, Sunnyside Bay, Homewood, Chambers Lodge, Tahoma, May-Ah-Mee Lodge, Meeks Bay, Emerald Bay, Vikingsholm, Camp Richardson, Al Tahoe, Bijou, Lakeside and Stateline.

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

- (a) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty days after the effective date hereof.
- (b) The common carrier service herein authorized shall be performed on a scheduled basis during the period from approximately June 1 through September 15 of each year and on an "on-call" basis for the remainder of the year.
- (c) Within sixty days after the effective date hereof, and upon not less than five days' 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 6th day of SEPTEMBER, 1955.

[Signature]
President

[Signature]
[Signature]

Commissioners

Ray E. Unterreiner

Commissioner Matthew J. Dooley, being necessarily absent, did not participate in the disposition of this proceeding.