

ORIGINAL

Decision No. 53836

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 H. F. ALEXANDER for a certificate of)
 public convenience and necessity to)
 operate steamships between the har-)
 bors of San Francisco and Long Beach)
 for the transportation of passengers,)
 automobiles and freight laded motor)
 carriers.)

Application No. 27797

In the Matter of the Application of)
 H. F. ALEXANDER and PACIFIC COAST)
 STEAMSHIP COMPANY, a corporation,)
 for (1) an order authorizing trans-)
 fer by H. F. Alexander to Pacific)
 Coast Steamship Company of certifi-)
 cate of public convenience and neces-)
 sity, and (2) an order authorizing)
 Pacific Coast Steamship Company to)
 issue shares of its common stock.)

Application No. 28590

Appearances on Reopening

J. Richard Townsend, for applicant;
Wallace, Garrison, Norton and Ray by William R. Wallace and Vaughan, Paul and Lyons by John G. Lyons, for Pacific Trailer Ships, Inc., petitioner;
 Robert W. Walker and M. M. Witteman, for Atchison, Topeka and Santa Fe Transportation Company, and William Meinhold and Frederick E. Fuhrman, for Southern Pacific Company and Pacific Motor Trucking Company, intervenors in support of petitioner;
Charles C. Miller, for San Francisco Chamber of Commerce; J. H. Morrison, for Northern California Ports and Terminals Bureau; Frank D. Creedon, for J. H. Myers, Board of State Harbor Commissioners and R. H. Hackley, for H. A. Lincoln and Fibreboard Products, Inc., interested parties.

O P I N I O N

On or about May 20, 1947, the Commission conditionally granted a certificate of public convenience and necessity authorizing a vessel service for the transportation of passengers, freight and vehicles between San Francisco and Long Beach to H. F. Alexander.

This authority was contained in Decision No. 40304 in Application No. 27797. The first condition was that a corporation be organized to take over the operation; the second, that suitable ships be provided; the third, that a full and complete showing of the corporation's financial structure be made. By authority of Decision No. 40618 dated August 19, 1947, in Application No. 28590 the certificate was transferred to Pacific Coast Steamship Company thus complying with the first condition.

On May 15, 1956, the instant proceeding was commenced by an order of the Commission reopening both applications and ordering Pacific Coast to show cause why Decision No. 40304 should not be amended and the conditional certificate, therein granted, revoked. Public hearing was held before Commissioner Untereiner and Examiner Power at San Francisco on July 9, 1956, and the matter submitted subject to the filing of briefs. The briefs have been received and the matter is ready for decision.

There is no conflict in the evidence and the facts are clear. H. F. Alexander was president of Pacific Coast. As long as he lived efforts were made to activate the proposed operation. After his death these efforts ceased. The only corporate act thereafter performed was by Pacific Coast's treasurer, the witness Clark, who paid the state corporation franchise tax from his own funds. Pacific Coast was later revived under circumstances to be discussed later.

Alexander's efforts were never successful. Inability to raise the funds necessary to build or acquire ships was the cause of the failure. Alexander died not later than in the year 1952 (the evidence is not clear as to the exact date). After that all efforts to acquire either funds or ships came to an end.

In the meantime a group of men formed a new corporation known as Pacific Trailer Ships, Inc. This company applied to the

Commission for a certificate to transport property only in truck trailers to be moved between the San Francisco and Los Angeles areas on vessels. One of the men so associated was Charles L. Dundey.

Dundey learned of the existence of the Alexander certificate during the course of the proceeding on the Pacific Trailer Ships' application. It appears that he then broke with his associates and obtained an option on the Pacific Coast stock. Only 10 shares of that stock had ever been issued. They were jointly owned by Alexander and his New York attorney, James MacPherson. Dundey took over as president of Pacific Coast on April 5, 1956.

No extensions of time have ever been obtained by Pacific Coast to carry out the purposes of the certificate.

The Commission finds and concludes that Pacific Coast Steamship Company did, on or before December 31, 1952, abandon all efforts to comply with Decisions Nos. 40304 and 40618 of this Commission and that the said certificate of public convenience and necessity has been abandoned.)

O R D E R

Application No. 27797 and Application No. 28590 having been reopened by order of the Commission, public hearing having been held, the matter having been submitted and now being ready for decision,

IT IS ORDERED that:

The certificate of public convenience and necessity granted to H. F. Alexander by Decision No. 40304, dated May 20, 1947, in Application No. 27797 and thereafter transferred by said Alexander ✓ to Pacific Coast Steamship Company, a corporation, pursuant to authority granted by this Commission in Decision No. 40618, dated August 19, 1947, in Application No. 28590 and authorizing the establishment and operation of service as a common carrier by vessel for

the transportation of passengers, automobiles transported incidental to the transportation of passengers, and motor vehicle equipment constructed for transporting freight over the public highways, both empty and freight laden, between San Francisco and Long Beach is hereby revoked, canceled and annulled.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 1st day of OCTOBER, 1956.

[Signature]
 President

Justus J. Craven

Raymond L. Linterman

[Signature]

R. H. [Signature]
 Commissioners