

ORIGINALDecision No. 53849

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SHEARWATER, INC., a California
corporation, for a Certificate of
Public Convenience and Necessity

Application No. 37865

A. Maxson Smith, attorney for applicant.
Patrick D. Watson and Robert C. Beecher, for
Deluxe Water Taxi Co., protestant.
Wahlfred Jacobson, City Attorney, and Leslie
E. Still, Deputy City Attorney, for the
City of Long Beach, interested party.

O P I N I O N

By Decision No. 48806, applicant was authorized to transport persons by vessel "from the Magnolia Pier in the City of Long Beach via Cerritos Channel, San Pedro and San Pedro Bay to the point of origin," subject to the restriction that applicant "may pick up or discharge passengers at the Magnolia Pier, Pierpoint Landing or San Pedro Harbor only."

Applicant now seeks authority to extend its present service and initiate a different type of sightseeing service "through the operation of a glass-bottom boat suitable for exhibiting sub-marine life and conditions in and around Long Beach and Los Angeles Harbors and nearby coastal waters".

A public hearing was held in Long Beach before Examiner Mark V. Chiesa. Evidence having been adduced, the matter was submitted for decision.

At the hearing the harbor area within which applicant proposes to operate was redescribed as follows: beginning at Pierpoint Landing, in the Middle Harbor, thence to a point at the breakwater one and one-half miles westerly of the entrance to the Long Beach Channel, thence to a point at the said breakwater one and one-half miles easterly of the entrance of said channel, thence to the Magnolia Pier. In addition to the operation of glass-bottom boats applicant requests that it be authorized to operate an excursion or sightseeing service within said area when the operation of the glass-bottom boats is not practicable due to unfavorable weather or water conditions.

Applicant's general manager testified that it proposes to construct a suitable glass-bottom boat with galley and snack bar which will be operated by a crew of three. Said boat will be approximately fifty feet in length, weigh approximately fifteen tons and will have a capacity of 100 passengers. A regular schedule will be offered substantially as set forth in the application, with more frequent service in summer. An "on-call" service will also be available.

Applicant proposes an adult fare of \$1.00 plus tax for a sixty minute glass-bottom boat or excursion ride. Children under twelve years of age will be charged \$.50 plus tax, except that children under six years of age will be carried free. Organized groups of twenty-five or more will be charged one-half the regular fares. For special charters or on-call service the charge will be \$35.00 per hour.

Pending the construction of a suitable boat, applicant will operate its present speed-type boats having a capacity of about twenty-eight passengers. Said boats are not equipped with glass bottoms, but will be used for short excursions until such time as the glass-bottom boat is available.

Applicant also requested authority for an "on-call" service to and from coastal points in the general area of the said harbor, such as Portuguese Bend, Balboa and Catalina. There is no substantial evidence in the record to justify a certificate for service outside the harbor area. However, several witnesses testified as to the need for the proposed glass-bottom and excursion service within the harbor. The record shows that applicant will be able to obtain the necessary licenses and dock facilities for the proposed operation.

A protest was voiced by the Deluxe Water Taxi Company, which also operates a somewhat similar boat service within the harbor. However, from the evidence of record it does not appear that applicant's proposed operation will have a materially adverse effect upon Deluxe Water Taxi Company's operations as they are now authorized and conducted.

Having considered the evidence of record, we find that public convenience and necessity require that applicant be authorized to operate a service for the transportation of persons by vessel as hereinbelow set forth.

O R D E R

A public hearing having been held, the Commission being fully advised in the premises and having found 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 Shearwater, Inc., a corporation, authorizing it to establish and operate a sightseeing or excursion service for the transportation of persons by vessel within the Long Beach Harbor area, as more specifically described in Appendix A, attached hereto and made a part hereof.

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

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) 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.

(3) That except as herein authorized, Application No. 37865 be, and it hereby is, denied.

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

[Signature]
[Signature]

[Signature]
[Signature]
Commissioners

Shearwater Inc., by certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport persons by vessel within the area herein-after described and subject to the conditions and restrictions as herein set forth.

Area Description

Within an area in the Long Beach Harbor, bounded as follows: beginning at Pierpoint Landing thence to a point at the breakwater $1\frac{1}{2}$ miles westerly of the entrance to the Long Beach Channel, thence following the breakwater to a point $1\frac{1}{2}$ miles easterly of the said channel's entrance, thence to Magnolia Pier, thence generally in a westerly direction to the point of beginning.

Applicant shall operate a regular daily scheduled service with a glass-bottom boat or boats of a type substantially as described in its application, except at such times or on such days when weather or water conditions are unfavorable for the operation of glass-bottom boats. In addition to the regularly scheduled glass-bottom service, applicant may provide such service "on-call". Applicant may also provide an excursion service, within the said area, on regular schedules or on-call.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 53849, Application No. 37865.