

**ORIGINAL**

Decision No. 59425

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
CLYDE THOMAS and DON CHARLE, doing  
business as PACIFIC-CATALINA PASSENGER  
SERVICE, a partnership, for a certifi-  
cate of public convenience and neces-  
sity to establish and operate a pas-  
senger service by vessels between  
Long Beach and Catalina Island.

)  
Application No. 41153

O P I N I O N

Under date of July 1, 1959, this Commission issued Decision No. 58701, in the above-entitled matter, and therein granted to Clyde Thomas, Don Charle, and Alfred G. Burke, a partnership, doing business as Pacific-Catalina Passenger Service, a certificate of public convenience and necessity as provided in Section 1007 of the Public Utilities Code, authorizing the establishment and operation of a service as a common carrier for the transportation of persons by vessel between the Pacific Landing in Long Beach and Avalon, on Santa Catalina Island. This certificate was subject, among other things, to the following condition:

"That the authority herein granted shall terminate on October 31, 1959, unless otherwise ordered by this Commission."

The hearings which led to Decision No. 58701, supra, were submitted with the request that the Commission consider the application on an interim basis and thereafter permit the parties to file briefs. The interim decision, as indicated, was issued and the parties now have filed their briefs.

It is the position of the applicant that, while it does not now have a vessel, it intends to build a new 64-foot steel boat with a capacity in excess of 200 passengers, at a cost in excess of \$100,000. Furthermore, the applicant represents that it is prepared to incorporate for \$100,000 and to borrow money for the balance of its costs and operating capital.

It is the position of the protestants that the applicant does not own or control a vessel and that it is not a proper party to receive a certificate of public convenience and necessity.

In Decision No. 58701, supra, the Commission found that public convenience and necessity required the proposed operation for the summer season. This summer season now has ended and there appears to be no immediate need for additional passenger transportation to Catalina. However, if experience is any guide, there will be a renewed demand when the summer season commences next year. Therefore, we are now disposed to grant this applicant a certificate of public convenience and necessity upon the condition that it first obtain a satisfactory vessel to conduct the proposed operations. The ensuing order will so provide.

O R D E R

Application as above entitled having been filed, Decision No. 58501, dated July 1, 1959, having been issued, the parties having filed briefs, 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 Clyde Thomas, Don Charle and Alfred G. Burke, a partnership, doing business as Pacific-Catalina Passenger Service, authorizing the establishment and operation of a service as a common carrier for the transportation of persons by vessel between the Pacific Landing in Long Beach and Avalon on Santa Catalina Island.

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

- a. That the authority herein granted shall not become effective, and applicant shall not commence operations, until it has obtained a satisfactory vessel and submitted the specifications thereof to this Commission for approval.
- b. Within thirty days after the effective date hereof, and on not less than five days' notice to the Commission and the public, applicant shall file in triplicate and concurrently make effective tariffs and schedules satisfactory to the Commission to reflect the authority herein granted.
- c. Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.

(3) That the authority herein granted shall terminate on June 1, 1960, unless applicant, prior thereto, shall have complied with all of the foregoing conditions and service regulations.

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

Dated at San Francisco, California, this 21st day of December, 1959.

*Scott R. Page*  
 President

*[Signature]*

*[Signature]*

*Theodore Jensen*  
 Commissioners