

ORIGINAL

Decision No. 60388

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
LOUIS V. VANCE and JOHN R. VANCE,)
a partnership, for authorization to)
operate harbor excursion trips and)
harbor tours out of Pacific Landing,)
Long Beach, California.)

Application No. 42125

Lenin Mazur, for applicant.
Vaughan, Brandlin and Baggot, by James H. Lyons,
for Shearwater, Inc., and Southland Harbor
Cruises, Inc., protestants.
Henry E. Jordan, for the Bureau of Franchises
and Public Utilities of the City of Long
Beach, interested party.

O P I N I O N

By the application herein, filed on April 7, 1960,
Louis V. Vance and John R. Vance request a certificate of public
convenience and necessity as a carrier of persons by vessel be-
tween points in the Los Angeles-Long Beach Harbor.

A public hearing on the application was held in Long
Beach on May 23, 1960, before Examiner Kent C. Rogers, evidence
was presented and the matter was submitted subject to the
filing within ten days of exhibits showing the proposed routes and
the title to the boat. These exhibits have been filed and
the matter is ready for decision.

The applicants have adequate finances (Exhibits Nos.
2 and 3), and own their boat, Betty Lou, outright. This boat
is 65 feet in length, has a 23-foot beam, and is licensed to carry

210 passengers (Exhibit No. 1). The applicants also have arrangements to lease a water taxi and other vessels if needed.

Two types of trips are proposed. One trip will be from Pacific Landing, through the Harbor, returning to Pacific Landing. This trip will require two hours, and the fare will be \$1.82 plus tax for adults and 91 cents plus tax for children between 5 and 12 years of age. Children under 5 years of age will be carried free. The other trip will be from Pacific Landing to the breakwater and return. The fare for this trip will be 91 cents plus tax for adults and one-half fare for children between 5 and 12 years of age, with no charge for children under 5 years of age.

Half fares will be charged for organized parties of 25 or more, and on-call service will be at the rate of \$75 per hour.

During the period of June 1 to September 30, annually, two long and two short trips will be operated daily, plus one long trip on Fridays and Saturdays starting at 8 p.m. (Exhibit No. 4). During the remainder of the year the service will be on call.

The operator of the Pacific (Sport Fishing) Landing testified that he has given the applicants exclusive rights to use his pier for the proposed trips, but stated he would have no objection to the use of the pier by protestants.

Another witness testified that Pacific (Sport Fishing) Landing receives frequent requests for harbor cruises originating at the Landing; that the proposed service would be an asset to the Landing; and that in 9 years of operation there has never been a daily operation as proposed by applicants.

Shearwater, Inc., and Southland Harbor Cruises, Inc., protested the granting of the application. Shearwater, Inc., had authority to render a service similar to that proposed by applicants and using a similar vessel but originating and terminating at Magnolia Pier picking up and discharging passengers also at Pierpoint Landing. On October 23, 1959, Shearwater, Inc., filed Application No. 41627, whereby it sought authority to modify its routes to include a trip which would go from Magnolia Pier and Pacific Landing into Alamitos Bay and return. This application was filed prior to the application herein. Subsequently, on February 17, 1960, and prior to the filing of the application herein, Application No. 41978 was filed requesting authority to transfer Shearwater's operating authority and its two vessels, the Shearwater (Exhibit No. 9) and the Princess (Exhibit No. 10), to Southland Harbor Cruises, Inc.

Shearwater, Inc., operates its services at approximately 70 to 73 percent of capacity (Exhibit No. 13). It requests that the herein application be denied.

The only party who supported the applicants was the Pacific Landing operator. He was concerned only in having a regularly scheduled service which would use the Landing. The record shows that the protestants' service is being rendered at less than capacity. The boats of applicants and protestants are similar and the fares are identical. The evidence fails to show

that public convenience and necessity require that the applicants be given the authority they have requested, and the application will, therefore, be denied.

O R D E R

An application having been filed, a public hearing having been held thereon, and the Commission having found that the evidence fails to show that public convenience and necessity require that applicants be given the authority they have requested, and based on said finding,

IT IS ORDERED that the application 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 12th day of July, 1960.

[Signature]
President
[Signature]
[Signature]
Theodore Jensen
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.