

ORIGINALDecision No. 60801

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
MILTON McDONOGH, whose place of
business is at 21 Main Street, Tiburon,
California and whose mailing address is
P. O. Box 901, Tiburon, California for
a vessel passenger carrier certificate.

Application No. 40945

SUPPLEMENTAL ORDER

In Decision No. 60037 in Application No. 40945 dated May 3, 1960, this Commission found that " public convenience and necessity would require the granting of a certificate to Milton McDonogh between Tiburon and Angel Island State Park upon a showing that the vessel with which he proposes to operate has been duly licensed and certified by the Coast Guard." Decision No. 60037 also held that any certificate issued would require minimum liability insurance coverage.

Milton McDonogh has timely filed a certificate of inspection issued by the Coast Guard authorizing him to operate the vessel Gaycin on San Francisco Bay and its tributaries.

A further public hearing is not necessary in this matter.

Milton McDonogh 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, such rights extend to the holder a full or

partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

Therefore, good cause appearing,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Milton McDonogh authorizing him to operate as an operator of vessels for the transportation of persons as defined in Section 211(b) of the Public Utilities Code between the points more particularly set forth in Appendix A attached hereto and made a part hereof.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following regulations:

- (1) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the rules set forth in General Order No. 87. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 87, may result in a cancellation of the operating authority granted by this decision.

- (2) Within sixty days after the effective date hereof, and on not less than ten days' notice to the Commission and to the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariff and timetable satisfactory to the Commission.

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

Dated at San Francisco, California, this 27th day of September, 1960.

Ernest A. [Signature]
President
[Signature]
[Signature]
[Signature]
Theodore [Signature]
Commissioners

1. Milton McDonogh, by the certificate granted by the decision noted in the margin, is authorized to transport persons by vessel between Tiburon, on the one hand, and Angel Island State Park on the other hand.
2. Milton McDonogh shall provide in his timetable for at least one trip per day in each direction on Saturdays, Sundays and holidays from May 1 through September 30 of each year.
3. Before applicant commences operations under the certificate herein granted, he shall procure insurance issued by a company licensed to write such insurance in this state in the amount of not less than \$50,000 against liability imposed by law upon him for the payment of damages for personal bodily injury, including death resulting therefrom, on account of bodily injuries to, or for the death of one person; and provide for protection in the amount of not less than \$500,000 against a total liability of applicant on account of bodily injuries to, or death of, more than one person, as a result of any one accident. Applicant shall keep said insurance in effect during the life of this certificate.

Issued by California Public Utilities Commission.

Decision No. 60801, Application No. 40945.