

Decision No. 61768**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
 of LEO LOMSKI, an individual doing
 business as SHOWBOAT TRANSPORTATION
 COMPANY, for a certificate of public
 convenience and necessity authorizing
 operation of vessels as a common car-
 rier of passengers between San Carlos
 and Redwood City, on the one hand, and,
 on the other, San Francisco.

Application No. 43141

Vaughan, Paul & Lyons, by John Lyons for
 applicant.

Orville I. Wright and Robert Laughead for
 the City and County of San Francisco,
 interested party.

O P I N I O N

Leo Lomski, doing business as Showboat Transportation Company, requests authority to transport passengers by vessels as a common carrier between San Carlos and Redwood City, on the one hand, and Candlestick Park, in San Francisco, on the other hand.

A public hearing was held before Examiner Thomas E. Daly on March 6, 1961 at San Francisco and the matter was submitted.

The record indicates that the proposed service would be primarily conducted on days that baseball or football is played at Candlestick Park. An on-call service would be provided on 24 hours' notice for 40 or more passengers. Applicant has one vessel under lease. The vessel has an over-all length of 65 feet with a beam of 18 feet. It has two decks, the lower glass enclosed and the upper equipped with a mesh rail. It is powered by two 671-horsepower GMC diesel engines, and has a maximum speed of 10 knots. The vessel is equipped with radio and 2-way radio-telephone. It is capable of transporting 250 passengers, but for passenger comfort each trip will be limited to 150 passengers.

The proposed schedule for day baseball games would leave San Carlos at 10:15 a.m., leave Redwood City at 10:30 a.m. and arrive at Candlestick Park at 12:40 p.m. The proposed round-trip fare is \$3.30 including tax. No fare is proposed for children of five years or under.

Applicant holds a license from the United States Coast Guard to operate passenger-carrying vessels up to 100 gross tons. He has many years of experience in handling small boats, including Navy experience. Applicant's three officers also have served in either the Navy or Coast Guard. As of January 3, 1961, applicant indicated a net worth in the amount of \$114,068.46.

Applicant proposes to operate from the San Carlos Marina (Harpers Ferry) where his vessel would be based, to the Port of Redwood City and thence to a dock at Candlestick Point. Applicant possesses an exclusive one-year lease with a five-year option from the City and County of San Francisco authorizing him to land passengers and dock boats at Candlestick Park.

For the first year of operation it is estimated that the proposed operation would result in a gross operating income of \$37,500 with estimated expenses at \$32,492.50, leaving a net profit of \$5,007.50. Insurance will be carried in the following form:

\$300,000	personal injury involving one person.
\$1,000,000	" " " two or more persons.
\$250,000	property damage.

After consideration the Commission finds that public convenience and necessity require the granting of the authority sought. ✓

It is requested that service be authorized so that it can be provided by April 11, 1961, when the baseball season starts at Candlestick Park. Therefore the order will be made effective on the date hereof.

Applicant 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.

O R D E R

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is hereby granted to Leo Lomski authorizing the transportation of passengers by vessels as a common carrier between the points set forth in Appendix A attached hereto.

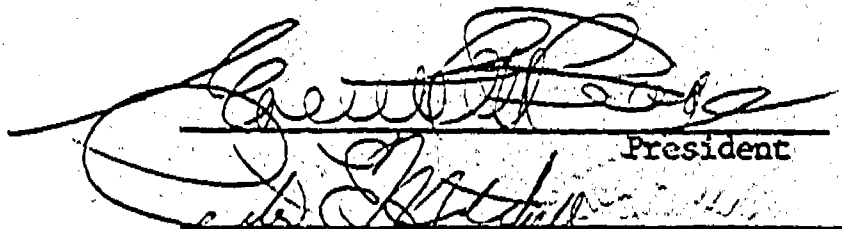
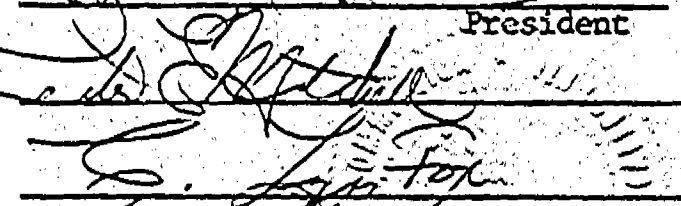
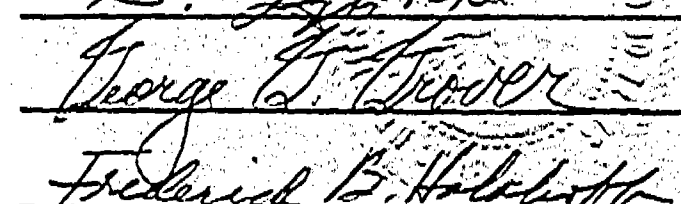
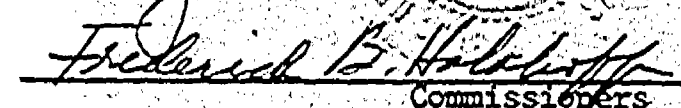
2. That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that he will be required, among other things, to file annual reports of his operations and to comply with and observe the insurance requirements of the Commission's General Order No. 111. 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. 111, may result in a cancellation of the operating authority granted by this decision.

- (b) Within one hundred twenty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective, tariffs and timetables satisfactory to the Commission. ✓

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 4th day of April, 1961.


President

L. J. Fox

George E. Hoover

Frederick B. Hallock
Commissioners

Appendix A

LEO LOMSKI
dba
Showboat Transportation Company

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Leo Lomski by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport passengers by vessels as a common carrier between San Carlos and Redwood City, on the one hand, and Candlestick Park, in San Francisco, on the other hand.

Issued by California Public Utilities Commission.

Decision No. 61768, Application No. 43141.