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ORIGINAL

Decision No. 68022

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of CARL SELBY for certificate of
public convenience and necessity
to operate a vessel service on
the American River in the County
of Sacramento, State of California.

Application No. 46750

ORDER OF DISMISSAL

By his application filed June 23, 1964, Carl Selby requested a certificate of public convenience and necessity to operate vessels for the transportation of passengers along the American River between Discovery and Nimbus Dam in Sacramento County.

A vessel is defined by Section 238(a) of the Public Utilities Code and reads as follows:

"'Vessel' includes every species of water craft, by whatsoever power operated, which is owned, controlled, operated, or managed for public use in the transportation of persons or property, except rowboats, sailing boats, and barges under 20 tons dead weight carrying capacity, and other water craft propelled by steam, gas, fluid naphtha, electricity, or other motive power under the burden of five tons net register. (Former Sec. 2 (y). Amended 1955, Ch. 670.)" (Emphasis added.)

By an amendment filed September 28, 1964, applicant indicated that the boats which he proposed to use did not come within the jurisdiction of this Commission. Attached to the amendment was a copy of a letter dated September 17, 1964, from the Collector of Customs, Treasury Department, Bureau of Customs, District No. 28, informing applicant that admeasurement of the "Swallow's Nest" (C.F. 9364 LA) and "Crooked Riffle" (C.F. 9017 LA)

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had been completed and indicated that neither vessel was of sufficient tonnage (five ton net register) to qualify for documentation.

Therefore good cause appearing,

IT IS ORDERED that Application No. 46750 is hereby dismissed without prejudice.

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

Dated at San Francisco, California, this 13th day of OCTOBER, 1964.

Fredrick B. Holhoff
President
George G. Grover
William L. Dennis

Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.