

ORIGINAL

Decision No. 69370

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of CATALINA MOTOR CRUISERS, INC.,
a California corporation, for
authority to operate daily scheduled
service from Long Beach to Avalon - -
1965 Summer Season.

} Application No. 47466
(Filed April 1, 1965)

James H. Lyons, for applicant.
Henry E. Jordan and Phil J. Shafer, for the
Bureau of Franchises and Public Utilities,
City of Long Beach.
Fred G. Ballenger and William R. Kendall,
for the Transportation Division of the
Commission's staff.

OPINION
and
ORDER OF DISMISSAL

By this application Catalina Motor Cruisers, Inc., (Cruisers) seeks authority to operate a daily, scheduled, common carrier service for the transportation of passengers by vessel between Long Beach and Avalon, Santa Catalina Island, during the period from June 19, 1965, through September 26, 1965.

Public hearings on the application were held before Examiner Abernathy at Long Beach on May 5 and 19, 1965.

At the hearing on May 5, Cruisers asked that its application be dismissed. It stated that it had reconsidered its application and had concluded that the probable utilization of its service by the public generally would not be sufficient to support the service. It stated also that it had not been able to negotiate satisfactory arrangements with the City of Long Beach for dockage

facilities and concerning operating requirements. Because of the bearing of the arrangements with the City of Long Beach upon the operations involved, the hearing on the matter was continued to May 19, 1965, to permit further negotiations by Cruisers with the City of Long Beach.

At the hearing on May 19, Cruisers reported that despite further negotiations with the City of Long Beach it had not reached an agreement concerning usage of the City's dockage facilities, and it renewed its request that its application be dismissed.

The granting of this request was opposed by the City of Long Beach on the grounds that Cruisers had not submitted evidence which would contravert a finding of the Commission in connection with Cruisers' operation of a scheduled service between Long Beach and Avalon during the 1964 summer season that said service was required by public convenience and necessity. Regarding its docking facilities, the City of Long Beach asserted that the terms under which it has offered said facilities to Cruisers in the present instance are less onerous than those under which Cruisers used the facilities in connection with its operations during the 1964 season.

Notwithstanding the City's opposition to dismissal of the application, the record does not provide grounds for other action. The scheduled daily service which Cruisers provided between Long Beach and Avalon during the 1964 summer season was operated on a trial basis under authority which terminated with September 13, 1964. The finding upon which said authority rests was directed only to the service which was authorized. A finding now that Cruisers' service is no longer required by public convenience and necessity is not a necessary precedent to dismissal of this application. Aside from this circumstance, a presumption that public convenience and necessity requires the continuation of Cruisers' service can not be sustained.

on this record. No showing was made by the City of Long Beach which would contradict Cruisers' assertions that the public's utilization of the service would be insufficient to return the costs incurred. Moreover, the absence of a satisfactory dockage agreement between the City and Cruisers is a factor to be considered. Without a full definition of the service, and of the terms and conditions applicable thereto, the need for the service cannot be adequately evaluated.

Therefore, good cause appearing,

IT IS ORDERED that Application No. 47466 is dismissed.

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

Dated at San Francisco, California, this 7th
day of JULY, 1965.

Frederick B. Hildreth
President

John E. ...

George H. Hoover

Avigator

William W. ...
Commissioners