

Decision No. 69377

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
FRANK E. HUBATY, doing business as)
Victor Lee Boat Company, for a)
certificate of public convenience)
and necessity to operate a tour and)
sightseeing service between)
Portuguese Bend and Marineland.)

Application No. 40461

APPLICATION OF FRANK E. HUBATY, dba)
VICTOR LEE BOAT COMPANY, FOR TRANSFER)
OF OPERATING AUTHORITY TO VICTOR LEE)
WATER TRANSPORTATION CO., INC.; FOR)
AUTHORITY OF THE LATTER TO OPERATE)
A BOAT SERVICE FROM PUBLIC LANDING,)
SAN PEDRO TO MARINELAND, AND FOR)
AUTHORITY TO ISSUE STOCK.)

Application No. 44921

ORDER REVOKING OPERATIVE RIGHT

By Decision No. 64995 dated February 26, 1963, in Application No. 44921, Victor Lee Water Transportation Co., Inc., a corporation, was authorized to acquire from Frank E. Hubaty on or before April 1, 1963, a certificate of public convenience and necessity to operate as a common carrier by vessel, and to establish an additional service.¹ The decision provided for the issuance of an in lieu certificate concurrently with the establishment of the service and the filing of the required tariffs.

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The certificate authorizes service as a common carrier by vessel for the transportation of persons via a route between the Portuguese Bend and Marineland Pier in the San Pedro Channel. The additional service involves the transportation of persons between Marineland and a public landing in Los Angeles Harbor known as Norm's Landing.

Frank E. Hubaty, president of the corporation, informed the Commission by letter that the corporation was unable to operate the franchise or to state when it would be able to do so due to circumstances beyond its control. The corporation has not filed with the Commission a written acceptance of the certificate nor the required tariffs. Inasmuch as the transfer of this certificate was not consummated, the operative right granted to Frank E. Hubaty by Decision No. 57666 dated December 2, 1958, in Application No. 40461 remains in his possession.

Frank E. Hubaty having failed to file an annual report and having apparently discontinued common carrier operations by vessel without proper authority, the Commission finds that such failure and discontinuance constitute good cause for revocation of the certificate and cancellation of the tariff applicable to the services thereunder.

IT IS ORDERED that:

1. The certificate of public convenience and necessity to operate as a common carrier by vessel granted to Frank E. Hubaty by Decision No. 57666 dated December 2, 1958, in Application No. 40461, is hereby revoked.

2. Local Passenger Tariff Cal.P.U.C. No. 1 of Frank E. Hubaty, doing business as Victor Lee Boat Company, is hereby canceled.

The Secretary is directed to cause service of a certified copy of this order to be made upon Frank E. Hubaty or to mail a certified copy thereof to him at his last known address as shown in the Commission's records.

The effective date of this order shall be the thirtieth day after such service upon Frank E. Hubaty or after the above mailing to Frank E. Hubaty, as the case may be, unless before such effective date there shall have been filed with this Commission a written request for public hearing, in which event the effective date of this order shall be stayed until further order of the Commission.

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

Frederick B. Hallock
President
Walter C. Smith
George E. Crowe
Augustus
William W. Bennett
Commissioners