

**ORIGINAL**

Decision No. 69728

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of FLOYD HARDWICK, DBA )  
CREST CONTRACTING COMPANY to )  
operate a tugboat within the con- )  
fines of San Francisco Bay and its )  
tributaries under authority of )  
"FOR HIRE VESSELS ACT." )

Application No. 47871  
(Filed September 3, 1965)

O P I N I O N

Floyd Hardwick, doing business as Crest Contracting Company, is a licensed General Engineering Contractor in the State of California. He seeks by this application a permit to operate for-hire vessels on San Francisco Bay and its tributaries. The service will consist of towing. It will initially be performed by the tugboat "Merry." This boat is licensed by the Bureau of Customs, United States Treasury Department, License No. 225052. It is registered at twenty-one gross tons and fourteen net tons. Other vessels may be added later as needed.

Applicant proposes to tow for five customers named in the application. In the future applicant will add "such other customers as may later be acceptable with applicant and with whom applicant may enter into specific contracts." (Application, sheet 2.)

He proposes to tow pile drivers, barges, dredges and such other commodities as may be available. A charge of \$20 per hour will be made.

Applicant states in paragraph 8 of the application that he will comply with all present and future applicable regulations of the United States Coast Guard Service and with all provisions of Section 4531 of the Public Utilities Code.

It appears that the application meets the requirements of Section 4533 of the Public Utilities Code. A public hearing is not necessary.

Certain protests to this application have been received. However, Section 4534 of the Public Utilities Code gives the Commission power to grant permits with or without a hearing. We propose to exercise both branches of our authority. A temporary permit for one hundred eighty days will be granted. This will enable applicant to fulfill present commitments. In the meantime a hearing can be scheduled to inquire into the necessity for permanent authority.

Unless this course is followed, the combination of procedural delays and the onset of the rainy season will effect what amounts to a decision against the permit without a hearing.

In order that work under proposed contractual arrangements may be completed before the rainy season commences, the order which follows will be made effective on the date hereof.

The Commission finds and concludes that the application should be granted as provided by the following order.

#### O R D E R

IT IS ORDERED that:

1. A for-hire vessel permit is issued to Floyd Hardwick to operate the tugboat "Merry" and any tugboat or tugboats that Floyd Hardwick may acquire subsequently, upon advice to this Commission, for the transportation of pile drivers, barges and dredges between points within the confines of San Francisco Bay, San Pablo Bay, Suisun Bay, the Sacramento River, San Joaquin River, the tributaries of each and all of these and all sloughs and channels carrying water derived from any of them.
2. Such permit shall be restricted to towing service only.
3. Such permit shall be restricted to service under special contracts. Within thirty days after commencing service under any

contract applicant shall file with the Commission a copy of such contract if it is in writing or a memorandum of its terms if it is oral.

4. In providing service pursuant to the permit 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 permit herein granted.
- (b) Within sixty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs, in triplicate, in the Commission's office containing rates, charges and regulations conforming with those shown in the application.
- (c) The tariff filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the service herein authorized.
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 117.

5. The permit issued herein shall be in effect for one hundred eighty days only unless extended by further order of this Commission.

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

Dated at San Francisco, California, this 28<sup>th</sup> day of SEPTEMBER, 1965.

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

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

Fredrick B. Holdhoff  
President

Augusta  
William L. Bennett

Commissioners