

**ORIGINAL**

Decision No. 70226

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
JOHN M. ATTEOWE, )  
doing business under the name and )  
style of BERKELEY TRANSPORTATION )  
COMPANY, to sell and transfer, and )  
BERKELEY TRANSPORTATION CO., a cor- )  
poration, to buy, certain physical )  
property and rights to operate ves- )  
sels, as a common carrier, on the )  
inland waters of the State, and of )  
BERKELEY TRANSPORTATION CO., a cor- )  
poration, to issue stock. )

Application No. 20913

In the Matter of the Application of )  
BERKELEY TRANSPORTATION CO., a cor- )  
poration, for a permit to operate )  
"For-Hire Vessels" for the transpor- )  
tation of property for compensation )  
between points on the inland waters )  
of the State of California. )

Application No. 21729

ORDER REVOKING OPERATIVE RIGHTS

Berkeley Transportation Co., a corporation, possesses a right to operate as a common carrier by vessel for the transportation of property between San Francisco, on the one hand, and Oakland, Berkeley, Emeryville and San Quentin Prison, on the other hand. It also possesses a permit to operate for-hire vessels for the transportation of cement, gypsum, shells and mineral fertilizers for Pacific Portland Cement Company between Redwood City, on the one hand, and San Francisco, Oakland, Alameda, Berkeley, Yerba Buena Island and Treasure Island, on the other hand.

Marvin R. Willinger, former president of Berkeley Transportation Co., informed the Commission by letter that the company has not performed any services since May 1, 1963. He

stated that he was told that the equipment was sold at a U. S. Marshall sale in the summer of 1964, and he indicated that further information might possibly be obtained from George Molander.

In investigating this matter, the Commission staff was informed by George Molander on August 25, 1965, that the principals involved were interested in resuming the company operations. He was advised that positive steps should be taken to resume for-hire operations or to request that the operative rights be revoked. The Commission staff again contacted him on September 15, 1965, and he could offer nothing definite as to when this matter would be resolved.

Berkeley Transportation Co. having discontinued service as a common carrier by vessel and as a for-hire vessel carrier without proper authority, the Commission finds that such discontinuance constitutes good cause for revocation of the right and permit and the cancellation of the tariffs applicable to the services thereunder.

IT IS ORDERED that:

1. The right to operate as a common carrier by vessel acquired by Berkeley Transportation Co., a corporation, by Decision No. 29410 dated December 28, 1936, in Application No. 20913 and defined in Decision No. 29778 dated May 24, 1937, in Case No. 3824, is hereby revoked.
2. The permit to operate for-hire vessels issued to Berkeley Transportation Co., a corporation, by Decision No. 30969, dated June 13, 1938, in Application No. 21729, is hereby revoked.
3. All tariffs in the name of Berkeley Transportation Company or Berkeley Transportation Co. on file with this Commission are hereby canceled.

The Secretary is directed to cause service of a certified copy of this order to be made upon Berkeley Transportation Co., or to mail a certified copy thereof to it at its last known address as shown in the Commission's records and to mail a copy of this order to George Molander, 16000 Mateo Drive, San Leandro, California.

The effective date of this order shall be the thirtieth day after such service upon Berkeley Transportation Co. or after the above mailing to it, 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 11<sup>th</sup> day of January, 1966.

Frederick B. Hallock  
President  
Paul C. Mitchell  
George T. Grover  
Augustin  
William H. Daniel  
Commissioners