

ORIGINALDecision No. 70928

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of HENRY E. CARTER for
 a certificate of public convenience
 and necessity for the operation of
 vessels in the transportation of
 persons and baggage between points
 in the San Francisco Bay - San Pablo
 Bay area.

Application No. 47023
 (Filed October 2, 1964)

Boris H. Lakusta, Graham James & Rolph, for applicant.
Melvin R. Dykman, for Division of Bay Toll Crossing,
 Department of Public Works, State of California;
Ralph Scott, for California Toll Bridge Authority;
Albert E. Elledge and John G. Lyons, Vaughan, Paul
 & Lyons, for Harbor Carriers, Inc.; John J.
Cunningham, for S.F.O. Helicopter Airlines,
 protestants.
Stephen R. Grant, for Western Greyhound Lines, Inc.;
Warren P. Marsden and Thomas Jackson, for
 San Francisco Bay Area Rapid Transit; Robert T.
Anderson, for the City of Berkeley, interested
 parties.

ORDER SETTING ASIDE SUBMISSION AND
 AUTHORIZING THE FILING OF AMENDMENT
AS OF MAY 20, 1966

At the hearing on this application before Examiner Cline on April 26, 1966, applicant stated that negotiations for the formation of a corporation, which would be the ultimate applicant pursuant to paragraph 11 of the application, had not been completed and consequently applicant was not in a position to proceed. Applicant thereupon requested that the matter be either taken off calendar or continued to a date one month hence. This request and the motion to dismiss without prejudice made by counsel for Harbor Carriers, Inc., were taken under submission. Subsequently applicant filed its petition herein requesting:

- (1) That submission be set aside;
- (2) That the Amendment to Application accompanying said petition be received and filed;

(3) That the matter be set for hearing upon the application as amended, at such time and place as may be determined.

It is noted that the proposed fares, set forth in Exhibit G to the application, are approximate fares within a range rather than specific fares.

IT IS ORDERED that:

1. The motion to dismiss is denied.
2. Submission of this matter is set aside.
3. The Amendment to Application submitted with the Petition to Set Aside Submission and to Receive Amendment to Application is filed as of May 20, 1966.
4. Applicant is ordered to file a further amendment to said application setting forth the specific fares which applicant proposes to charge for its services within twenty days from the effective date of this order.
5. Further hearing on the application as amended will be held at a time and place to be set.

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

Dated at San Francisco, California, this 10th day of JULY, 1966.

Frederick B. Holshoff President
George H. Hoover
August
 Commissioners