

ORIGINALDecision No. 71034

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of RONALD TROST to)
 operate a tugboat within the coa-)
 fines of San Francisco Bay and its)
 tributaries under authority for)
 "For Hire Vessels Act.")

Application No. 48310
 (Filed March 16, 1966)

C. Wadsworth White, for applicant.
Vaughan, Paul and Lyons by John G.
Lyons, for Harbor Carriers, Inc.,
 protestant.

O P I N I O N

A duly noticed public hearing was held before Examiner Power at San Francisco on May 20, 1966 and the matter was submitted.

Applicant seeks a permit to operate for-hire vessels on San Francisco Bay and its tributaries. The service will consist of towing and initially will be performed by tugboat "L-D #7."¹ This tugboat is registered as 18 gross tons, 12 net tons, and licensed by the Bureau of Customs, United States Treasury Department, License No. 210829.

Applicant proposes to tow by contract for five customers named in the application, and states he may, in the future, serve other customers also under specific contracts.

Applicant proposes to tow pile drivers, barges, dredges and such other commodities as may be available. A charge of \$20 per hour will be made for the services of the L-D #7.

Applicant states, in paragraph 7 of the application, that he will comply with present and future applicable regulations of

¹ Designated as L-D #1 in the application. This was a mistake, corrected at the hearing.

the United States Coast Guard Service and with the provisions of Section 4531 of the Public Utilities Code.

The major contention advanced by protestant was that applicant actually intended to offer a common carrier service.

Protestant's counsel elicited from applicant an admission that he would negotiate with entities other than the ones named in the application if they approached him. He refused, however, at the suggestion of protestant, to amend his application to restrict it to the five customers listed in his application. Applicant did not express willingness to serve such unnamed entities, but only to negotiate with no assurance that an actual tow would eventuate.

Protestant failed to establish that operation under the application would be common carriage or that applicant intended to perform common carriage in any event.

Applicant's application and showing appear to meet the statutory requirements and the application should be granted. The permit will be restricted to operation of tugboat L-D #7 only and for towing service only.

The Commission finds that:

1. Applicant is a private carrier.
2. Application No. 48310 complies with Section 4533 of the Public Utilities Code.
3. Applicant proposes to operate on specified inland waters in this state, a vessel of the type described in Section 4507 of the Public Utilities Code.
4. Applicant has no common carrier routes.

The Commission concludes that a permit should be granted for operation of tugboat L-D #7 for towing service only.

O R D E R

IT IS ORDERED that:

1. A for-hire vessel permit is issued to Ronald Trost authorizing him to operate tugboat "L-D #7," an oil screw vessel having a registry of 18 gross tons and a net of 12 tons, in towing service only between points within the confines of San Francisco Bay, San Pablo Bay, Suisun Bay, 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. 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 one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs in triplicate, in the Commission's office.
- c. The tariff filings shall be made effective not earlier than ten days after the effective date of this order or not less than ten 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.

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

Dated at San Francisco, California, this 26th day of JULY, 1966.

Arthur E. Woodell
President

George L. Traver

Fredrick B. Holloff

Augustine

William W. Bennett
Commissioners