

**ORIGINAL**Decision No. 73811

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of HARBOR CARRIERS, INC., a corporation, for a certificate of public convenience and necessity authorizing an extension of its operating authority so as to authorize it to operate vessels "on schedule" as a common carrier of passengers (1) between San Francisco and Sausalito and (2) between Tiburon and Angel Island.

Application No. 49712  
(Filed October 5, 1967)

John G. Lyons, for applicant.  
George W. Hippeli, for Milton McDonogh, protestant.  
Boris H. Lakusta, for John Fell Stevenson,  
interested party.  
Hilton H. Nichols, for the Commission staff.

O P I N I O N

By its application, as amended, Harbor Carriers, Inc. requests authority to transport passengers as a common carrier by vessel in scheduled service between San Francisco and Sausalito.

Public hearing was held before Examiner Daly on January 18 and 19, 1968, at San Francisco.

Applicant is presently authorized to transport passengers and property between points in San Francisco, San Pablo and Suisun Bays. In addition to providing a scheduled service between San Francisco, on the one hand, and Tiburon and Angel Island, on the other hand, it also is authorized to perform an "on-call" service between Tiburon and Angel Island. By its application as originally filed applicant proposed a scheduled service between Tiburon and Angel Island, but during the course of hearing amended its application by deleting this proposal. As a result Milton McDonogh, who

presently provides a certificated scheduled service between said points, withdrew his protest to the application. Also, during the course of hearing, John Fell Stevenson, appearing as an interested party, filed a motion to consolidate the instant application with one that he filed on July 1, 1966, wherein he seeks authority to provide service between a number of points on San Francisco Bay (Application No. 47023). The motion was denied by the examiner because the number of points in common to both applications was not enough to warrant consolidation.

Applicant proposes a scheduled service between San Francisco and Sausalito from June 1 through September 10 and an "on-call" service for 15 or more adults from September 11 through May 31 of each year. It will have 11 vessels available for service. The capacity of each vessel ranges from 49 to 500 passengers. The proposed adult round-trip fare is \$1.50 and 80 cents one way. The proposed round-trip fare for children under 12 years of age is 75 cents and 40 cents one way. As of November 30, 1967, applicant indicated a net worth in the amount of \$152,377.

Those appearing in support of the application included a member of the Marin County Board of Supervisors, the San Francisco Chamber of Commerce, San Francisco Convention and Business Bureau and The Gray Line, Inc.

After consideration, the Commission finds that:

1. There is no existing scheduled vessel service for passengers between San Francisco and Sausalito.
2. During the summertime there exists a substantial interest in the type of service proposed, particularly on the part of organizations dealing with tourists.
3. Public convenience and necessity require the granting of the application.

Applicant is hereby placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Harbor Carriers, Inc., a corporation, authorizing it to operate as a common carrier by vessel, as defined in Sections 211(b) and 238 of the Public Utilities Code, to transport passengers between the points and over the routes particularly set forth in Appendix A attached hereto and made a part hereof.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to comply with and observe the insurance requirements of the Commission's General Order No. 111-A.

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- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs and timetables, in triplicate, in the Commission's office.
- (c) The tariff and timetable filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the establishment of the service herein authorized.
- (d) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 87 and 117.
- (e) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order supersedes the certificates granted by Decision No. 60037 in Application No. 40241, Decision No. 63974 in Application No. 44268 and by Decision No. 70060 in Application No. 47411, which certificates are hereby revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by paragraph 2 hereof.



The certificate hereinafter noted supersedes all operative authority heretofore granted to Harbor Carriers, Inc. or its predecessors with the exception of certain prescriptive rights described in Appendix A to Decision No. 29778 (40 C.R.C. 493,515).

Harbor Carriers, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport persons by vessel over the waters of San Francisco Bay between San Francisco, on the one hand, and Angel Island State Park, Tiburon, Alcatraz Island and Sausalito, on the other hand, subject to the following conditions:

1. San Francisco - Angel Island State Park

Harbor Carriers, Inc. shall provide in its tariff and timetable for at least one trip per day in each direction during the period from June 1 through September 10 of each year. In addition, applicant is authorized to provide in its tariff and timetables for an on-call service, on one hour's notice, for three or more passengers during the period from September 11 through May 31 of each year.

2. San Francisco - Tiburon

Harbor Carriers, Inc. shall provide in its tariff and timetable for at least two trips per day in each direction during the period from June 1 through September 10 of each year. In addition, applicant is authorized to provide in its tariff and timetable for an on-call service, on two hours' notice for 15 or more adult passengers during the period from September 11 through May 31 of each year.

3. San Francisco - Alcatraz Island

Harbor Carriers, Inc. shall provide in its tariff and timetable for at least two trips per day in each direction during the period from June 1 through September 10 of each year. In addition, Harbor Carriers, Inc. is authorized to provide in its tariff and timetable for an on-call service, on one hour's notice for five or more adult passengers during the period from September 11 through May 31 of each year.

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4. San Francisco - Sausalito

Harbor Carriers, Inc. shall provide in its tariff and timetable for at least one trip per day in each direction during the period from June 1 through September 10 of each year. In addition, Harbor Carriers, Inc. is authorized to provide in its tariff and timetable for an on-call service, on two hours' notice for 15 or more adult passengers from September 11 through May 31 of each year.

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