

ORIGINAL

Decision No. 76436

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of
H-10 WATER TAXI COMPANY, LTD.,
a Corporation, for clarification
of authority for extension of
authority and for approval of
tariff.

Application No. 51342
(Filed August 28, 1969)

O P I N I O N

Applicant, a common carrier by vessel, seeks an in lieu certificate to supersede all previous certificates authorized by this Commission, and authority to institute new service. A list of the certificates heretofore issued to applicant may be found in Decision No. 57254 dated August 26, 1958; applicant's most recent rate increase was authorized by Decision No. 66573 dated January 27, 1964; and minor adjustments in rates and services were authorized by Decision No. 75846 dated June 24, 1969.

In addition to restating its present operating authority applicant seeks authority to:

1. Provide passenger and express service to ships at offshore mooring at Huntington Beach, California at a rate of \$35 an hour, no minimum;
2. Provide passenger and express service to ships at offshore mooring at El Segundo, California at a rate of \$35 an hour, no minimum;

3. Provide freight service only, within the scope of its operative authority at a rate of \$50 an hour;

4. Provide passenger and freight service within the scope of its operating authority to points and places on Catalina Island at a rate of \$75 an hour.

Applicant has been providing the services described in items 1 through 4 above in the belief that such services are within the scope of its authority to operate by motor vessel within the Los Angeles - Long Beach Harbors, to ships arriving and departing from those harbors, and to points and places on Catalina Island. Questions have arisen regarding the correct interpretation of its authority in these respects and, therefore, applicant seeks express authority to perform the operations.

In regard to service at Huntington Beach applicant states that ships using offshore mooring work cargo, take on stores, and transfer personnel to the mainland. These ships require service by applicant to carry passengers to and from the ships, particularly to provide the crews of the ships with shore leave, to carry repairmen, and to carry freight, particularly in the way of sea stores and ship stores. Applicant is the only operator equipped to provide such service. Applicant proposes a tariff rate of \$35 an hour for this service. Applicant's reasons for providing service to El Segundo are much the same as its reasons for providing service to Huntington Beach.

On occasion applicant has been requested to handle freight in quantities greater than 5 tons. Applicant has a vessel that can handle this quantity of freight and applicant proposes a rate of \$50 an hour for the use of this vessel.

Applicant has a customer at Catalina who occasionally requires the transportation of passengers and baggage in an amount and quantity which is beyond the carrying capacity provided by available motor vessels normally used by applicant. Applicant has been requested to obtain a vessel with a larger carrying capacity so that only one trip need be made rather than the usual three trips that now must be made to service the customer. Applicant expects to provide this requested service by chartering a vessel of sufficient size. Applicant proposes a rate of \$75 an hour for this vessel, which rate is approximately three times the regular tariff less saving for a reduced crew.

No protests have been received. A public hearing is not necessary. After consideration the Commission finds that public convenience and necessity require that the requested authority be granted and that an in lieu certificate be issued. The rates set forth in the order which follows are reasonable. The Commission concludes that the application should be granted.

H-10 Water Taxi Company, Ltd., 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

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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 H-10 Water Taxi Company, Ltd., authorizing it to operate as a common carrier for the transportation of passengers, baggage and/or freight by vessel, as defined by Section 211 of the Public Utilities Code, between the points and under the conditions set forth in Appendix A attached hereto and made a part hereof, which supersedes all operative authority heretofore granted such company.

2. H-10 Water Taxi Company, Ltd., is authorized to cancel its Local Passenger Tariff Cal. P.U.C. No. 8 and its Express Tariff Cal. P.U.C. No. 8, and concurrently therewith to publish the following as its charges and rules for the transportation of passengers and/or freight:

(a) Rules, Regulations and Definitions as set forth on Pages 2 and 3 of Exhibit 1 attached to its Application No. 51342.

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(b) "Rates" as set forth hereafter:

A. On-call service between docks, wharves, ships, points and places within Los Angeles-Long Beach Harbor:

Rate per hour per vessel*	\$22.50
Minimum Charge per vessel*	\$22.50
Waiting or standby charge per hour per vessel*	\$19.00

B. On-call service between docks, wharves, ships, points and places within the Long Beach-Los Angeles Harbor on the one hand and (a) vessels arriving at or departing from said harbors or (b) points and places on Santa Catalina Island, on the other hand:

Rate per hour per vessel*	\$27.50
Minimum Charge per vessel*	\$27.50
Waiting or standby charge per hour per vessel*	\$24.00

C. On-call service between docks, wharves, ships, points and places within Los Angeles-Long Beach Harbor, on the one hand, and ships at offshore moorings at points named, on the other hand.

	<u>El Segundo</u>	<u>Huntington Beach</u>
Rate per hour per vessel*	\$35.00	\$35.00

*Applies only to vessels having maximum capacity of 49 passengers and/or 5 tons freight.

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D. On-call service, at customer's election, in lieu of rates set forth in Items A, B, or C, performed within scope of Company's operating authority, using vessels described below:

	<u>"Freight Only" Vessel with Maximum Load Capacity of 25 Tons</u>	<u>Passenger Carrying Vessel for Maximum of 99 Persons</u>
Rate per hour per vessel	\$50.00	\$75.00

3. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the insurance requirements of the Commission's General Order No. 111-B. Failure to file such reports in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 111-B may result in a cancellation of the operating authority which is involved and granted by this decision.
- (b) Applicant shall file in the Commission's office tariffs in triplicate satisfactory to the Commission. Such tariff filings shall be made effective on not less than five days' notice to the Commission and the public. The effective date of the tariff filings shall be concurrent with the establishment of the services herein authorized.

- (c) 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 18th day of NOVEMBER, 1969.

William J. Quinn
President

Augustus

J. P. Vukasin, Jr.

James L. Steyer
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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Appendix A

H-10 WATER TAXI COMPANY, LTD.
(a corporation)

Original Page 1

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

Showing vessel operative rights, restrictions, limitations,
exceptions and privileges applicable thereto.

All changes and amendments as authorized by the Public
Utilities Commission of the State of California will be
made through revised or added original pages.

Issued under authority of Decision No. 76436
dated Nov. 18, 1969, of the Public Utilities
Commission of the State of California in Application
No. 51342, as amended.

Section 2. ROUTES AND SERVICE AREAS FOR TRANSPORTATION OF
PASSENGERS, BAGGAGE AND/OR FREIGHT

- A. Between all docks, wharves, ships, points and places within the Los Angeles-Long Beach Harbor:
- B. Between all docks, wharves, ships, points and places within the Los Angeles-Long Beach Harbor, on the one hand, and any one of the following, on the other hand:
 - (1) All points and places on Santa Catalina Island.
 - (2) Ships moored offshore at El Segundo.
 - (3) Ships moored offshore at Huntington Beach.
 - (4) Ships arriving or departing Los Angeles-Long Beach Harbor.

Issued by California Public Utilities Commission.

Decision No. 76136, Application No. 51342, as amended.