

Decision No. 77620

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of UNITED WATER TAXI CO., a
 California corporation, and UNITED WATER
 TAXI CO. OF SAN DIEGO, a California cor-
 poration, for an order authorizing the
 transfer by United Water Taxi Co., a
 California corporation, to United Water
 Taxi Co. of San Diego, a California cor-
 poration, all of its property and its
 certificate of public convenience and
 necessity.

Application No. 52025
 (Filed July 8, 1970)

O P I N I O N

United Water Taxi Co. requests authority to transfer, and
 United Water Taxi Co. of San Diego requests authority to acquire, a
 certificate of public convenience and necessity authorizing the trans-
 portation of passengers by vessels between points on San Diego Bay.

The certificate was granted by Decision No. 50199, dated
 June 29, 1954, in Application No. 35268 and authorizes the transporta-
 tion of passengers and property by vessel between docks in the City of
 San Diego, on the one hand, and ships at anchor in San Diego Bay, in-
 cluding the Coronado Roads, and also landings on North Island, and at
 Coronado, on the other hand. Pursuant to a Judgment in Condemnation
 dated November 7, 1969, the California Department of Public Works
 acquired that portion of the certificate authorizing operations between
 the City of San Diego, on the one hand, and North Island and the City
 of Coronado, on the other hand. The transfer, therefore, is limited
 to that portion of the certificate relating to the transportation of
 passengers, primarily naval personnel, between the docks in the City
 of San Diego and ships at anchor in San Diego Bay, including the
 Coronado Roads. The transfer is to be made without consideration.

Applicant purchaser, a newly formed corporation, owns and operates six vessels. As of July 8, 1970, applicant purchaser indicated a net worth in the amount of \$60,000.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is consummated, the revocation of the certificate presently held by United Water Taxi Co. and the issuance of a certificate in appendix form to United Water Taxi Co. of San Diego.

United Water Taxi Co. of San Diego 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. On or before December 1, 1970, United Water Taxi Co. may sell and transfer, and United Water Taxi Co. of San Diego may purchase and acquire, the operative rights referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, purchaser shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

3. Purchaser shall amend or reissue the tariffs and timetables on file with the Commission, naming rates and rules governing the common carrier operations herein to show that it has adopted or established, as its own, said rates and rules. 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 consummation of the transfer herein authorized. The tariff and timetable filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 87 and 117. Failure to comply with and observe the provisions of General Orders Nos. 87 and 117 may result in a cancellation of the operating authority granted by this decision.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, purchaser shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to United Water Taxi Co. of San Diego, 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, between the points and over the routes particularly set forth in Appendix A attached hereto and made a part hereof.

6. The certificate of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 50199, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

7. Within thirty days after the transfer herein authorized is consummated, purchaser shall file a written acceptance of the certificate herein granted. Purchaser 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-B.

8. Purchaser 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.

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

Dated at San Francisco, California, this 18th day of AUGUST, 1970.

[Signature]
Chairman
[Signature]
William Lyndon J.
[Signature]
Samuel L. Stinson
Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY

(The certificate hereinafter noted supersedes all operative authority heretofore granted to United Water Taxi Co., a corporation, or its predecessors.)

Showing vessel common carrier 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 as revised pages or added original pages.

Issued under authority of Decision No. 77620, dated
Aug. 18, 1970, of the Public Utilities Commission
of the State of California, on Application No. 52025.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS.

United Water Taxi Co. of San Diego, a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport persons and baggage as a common carrier by vessel between landing points in the City of San Diego, on the one hand, and ships at anchor in San Diego Bay, including the Coronado Roads, on the other hand, subject to the following conditions:

- (a) Baggage shall consist of hand baggage of passengers and a limited quantity of small personal items, such as laundry, dry cleaned clothing, and personal supplies.
- (b) Landing points shall be specified in tariffs.
- (c) All service performed under this authority shall be on an "on-call" basis only.
- (d) Motor vessels must be certified by the United States Coast Guard.

Issued by California Public Utilities Commission.

Decision No. 77620, Application No. 52025.