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Decision No. 83865

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
RIVER LINES COMPANY, a corporation,)
for authorization to sell and)
transfer, and of BAY CITIES)
TRANSPORTATION COMPANY, a)
corporation, for authorization to)
purchase and acquire operating)
rights as a common carrier by)
vessel between points on)
San Francisco Bay and its)
tributaries.)

Application No. 55364
(Filed December 5, 1974)

O P I N I O N

River Lines Company (River Lines) and Bay Cities Transportation Company (Bay Cities) are engaged in business as common carriers by vessel on San Francisco Bay and its tributaries, pursuant to prescriptive rights and certificates of public convenience and necessity issued by the Commission.

By this application River Lines requests authorization to sell, and Bay Cities requests authority to purchase, the common carrier vessel operating rights of River Lines.

Bay Cities proposes to adopt the rates, rules, and regulations governing the common carrier vessel operations of River Lines.

Bay Cities is placed on notice that in the event the transfer authorized is completed, the in-lieu certificate required to be filed by it shall be filed within the prescribed 180 days or the Commission may consider suspending the operating authority authorized herein.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. We further find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by River Lines Company and the issuance of a certificate to Bay Cities Transportation Company.

Bay Cities Transportation Company is 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. 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 30, 1974, River Lines Company may sell and transfer the operative rights and property referred to in the application to Bay Cities Transportation Company.
2. Within thirty days after the transfer the purchaser shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of 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 transferred to show that it has adopted or established, as its own, the rates and rules. The tariff and timetable filings shall be made effective not earlier than one day after the effective date of this order on not less than one day's notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the transfer. 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-Series and 117-Series. Failure to comply with the provisions of General Orders Nos. 87-Series and 117-Series 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 transfer, the 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 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of public convenience and necessity is granted to Bay Cities Transportation Company, 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 set forth in Decision No. 72494 dated May 23, 1967 in Application No. 49229.

6. The certificate of public convenience and necessity granted by Decision No. 72494 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

7. Purchaser shall comply with the insurance requirements of the Commission's General Order No. 111-Series.

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.

9. Within one hundred eighty days after the date of transfer, Bay Cities Transportation Company shall submit to this Commission proposed in-lieu certificates of public convenience and necessity describing and consolidating its common carrier vessel operating authorities as granted by this Commission. Such proposed certificates shall reflect the current designations of routes used to describe its authorities and shall not exceed in any way the scope of the authorities authorized by the Commission in the decisions they are intended to replace. To the extent possible, Bay Cities Transportation Company shall, in submitting the proposed in-lieu certificates, eliminate any overlapping and duplicate authorities that may now exist.

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10. In the event the rates now in the tariffs of River Lines Company are different than the rates of Bay Cities Transportation Company for the same service, the rates of River Lines Company shall prevail when the tariff filing required by paragraph 3 is accomplished.

The effective date of this order shall be December 28, 1974.

Dated at San Francisco, California, this 17th
day of DECEMBER, 1974.

James L. Shugart
President
William J. ...
...
Robert E. ...
Commissioners