

84685

Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
ISLAND ENTERPRISES, INC., a California
corporation, for a Certificate of
Public Convenience and Necessity to
operate passenger water taxi service
between West and Main Harbors and
Shore and between Avalon Bay and
Long Point and intermediate points.

Application No. 55493
(Filed February 18, 1975;
amended February 26, 1975)

O P I N I O N

Island Enterprises, Inc. requests a certificate of public convenience and necessity as a vessel common carrier for the transportation of passengers between anchored vessels in West and Main Harbors, and shore, Avalon; and between Avalon and Long Point and intermediate points, Santa Catalina Island.

The application was filed pursuant to the "grandfather" clause of recent legislation which amended Sections 238 and 1007 of the Public Utilities Code and permits each corporation or person who owns or controls, and each corporation or person who operates, any watercraft propelled by steam, gas, fluid naphtha, electricity, or other motive power under the burden of 5 tons net register for the transportation of persons or property for compensation between points in this State, as of January 1, 1975, to apply to the Commission on or before April 1, 1975 for a certificate of public convenience and necessity for the type of service performed by the vessel, and requires the Commission to issue such certificate without further proceedings.

Applicant presently operates a shore boat business in Avalon Harbor pursuant to a business permit issued by the city of Avalon. A copy of said permit dated September 15, 1974 was delivered to the Commission's office in San Francisco on March 27, 1975 and is received as Exhibit No. 1.

Applicant owns and operates seven boats, all are 26-feet long, 10-foot beam. Each has a capacity of 35 passengers. Six are diesel and one gasoline powered.

For the fiscal year ended February 28, 1974, applicant's profit and loss statement indicated a net income of \$2,861 for the shore boat operations. As of February 28, 1974, applicant's indicated net worth was \$31,401.

The city of Avalon has requested a public hearing in this matter on the ground that this Commission lacks jurisdiction to grant the requested authority. It is Avalon's position that as trustee of the Tidelands Trust, which includes the harbor, the city is responsible for operations of the harbor and other areas involved in the Tidelands Trust. Avalon has not challenged applicant's qualifications under the "grandfather" clause of Section 1007 (Chapter 952, Statutes 1974). In these circumstances we are bound by the provisions of that statute and must grant the requested authority without further proceedings. ✓

After consideration the Commission finds that public convenience and necessity require the granting of the application and with reasonable certainty finds that the project involved in this proceeding will not have a significant effect on the environment. A public hearing is not necessary.

Island Enterprises, Inc. 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. A certificate of public convenience and necessity is granted to Island Enterprises, Inc., 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 set forth in Appendix A of this decision.

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


- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it will be required, among other things, to comply with the insurance requirements of the Commission's General Order No. 111-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service 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 authorized service.
- (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-Series and 117-Series.
- (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.

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

Dated at San Francisco, California, this 22nd
day of JULY, 1975.


President






Commissioners

Commissioner William Symons, Jr., being
necessarily absent, did not participate
in the disposition of this proceeding.

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

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.

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

Island Enterprises, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers between certain points on and along Santa Catalina Island described in Section 2, and subject to the following conditions:

- (1) Service shall be operated with vessel of less than five tons net register, only.
- (2) No vessel shall be operated unless it has met all applicable safety requirements including those of the United States Coast Guard.

Issued by California Public Utilities Commission.

Decision No. 84685, in Application No. 55493.

SECTION 2. AUTHORIZED OPERATIONS.

1. Between Vessels and Shore

Between vessels anchored in West and Main Harbors, Avalon, Santa Catalina Island, on the one hand, and Catalina Island shore points described in paragraph 2 below, on the other hand.

2. Between Avalon Harbors and Island Shore Points

Between West and Main Harbors, Avalon, Santa Catalina Island, on the one hand, and any point on Santa Catalina Island between Avalon Main Harbor on the east and Long Point on the west (including Avalon Main Harbor, West Harbor, Toyon Bay, Whites Landing, Long Point, and intermediate points), on the other hand.