

dlm

Decision No. 84936

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
JAMES E. SNIDOW and HOUSTON A. SNIDOW)
doing business as CATALINA WATER TAXI,)
for a Certificate of Public Convenience)
and Necessity to operate passenger)
water taxi service between Avalon Bay)
and Long Point and intermediate points.)

Application No. 55588
(Filed March 27, 1975)

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)

ORDER DENYING REHEARING

On July 22, 1975, the Commission issued Decision Nos. 84684 and 84685 which respectively granted certificates of public convenience and necessity to James H. Snidow and Houston A. Snidow (dba Catalina Water Taxi) and Island Enterprises, Inc. to transport as vessel common carriers 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 certificates were granted pursuant to the "grandfather" clause of recent legislation which amended Section 1007 of the Public Utilities Code and requires the Commission to issue certificates without further proceedings to those common carriers that qualify under the clause.

On August 1, 1975, the City of Avalon (City) petitioned for rehearing of both decisions. The City does not challenge the legality of the "grandfather" clause of Section 1007 nor the applicants' qualifications under that clause.


The City alleges that the Commission lacks jurisdiction over the applicants because the City has sole jurisdiction over the area included in the granted certificates as trustee of the Avalon tidelands trust. The City further challenges the Commission's jurisdiction on the basis that the applicants do not propose to operate between "separate points in the State", an essential element of Section 1007.

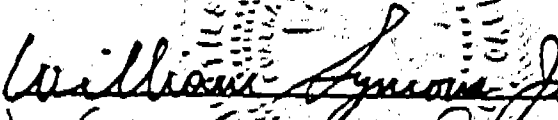

After considering each and every allegation set forth in the City's petition, we are not persuaded that good cause for rehearing has been shown. The certificates of public convenience and necessity in question do not interfere with the City's trusteeship of the tidelands. Further, the California Legislature, by enacting the "grandfather" clause of Section 1007, has clearly established jurisdiction in this Commission to issue the certificates in dispute. In considering whether Section 1007 applies to the instant applications, it has long been recognized that the "water taxi" service to be performed by the applicants is a type of common carriage certificated by this Commission.

IT IS THEREFORE ORDERED that rehearing of Decision No. 84684 and Decision No. 84685 is hereby denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 23rd day of SEPTEMBER, 1975.


President

Commissioners

- Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.
2. Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.