

Decision No. 85114

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
(1) Capt. Kenneth A. Hulme for a  
certificate of public convenience and  
necessity to operate (2) Passenger,  
Baggage and Property Service between  
San Rafael Canal, Calif. and  
San Francisco Bay and tributaries  
to Stockton and Sacramento.

Application No. 55551  
(Filed March 10, 1975)

Kenneth A. Hulme, for himself, applicant.  
John G. Lyons, Attorney at Law, for Harbor  
Carriers Inc., protestant.  
Marc E. Gottlieb, for the Commission staff.

O P I N I O N

Kenneth A. Hulme requests a certificate of public convenience and necessity authorizing operations as a vessel common carrier for the transportation of passengers and property between San Rafael Canal and points on San Francisco Bay and points on and along its tributaries to and including Stockton and Sacramento.

A public hearing was held before Examiner Daly on September 29, 1975, at San Francisco.

The application was filed pursuant to the grandfather clause of recent legislation which amended Section 1007 of the Public Utilities Code and reads as follows:

- "(b) Any corporation or person which owns or controls, and any corporation or person which operates, any watercraft propelled by steam, gas, fluid naphtha, electricity, or other motive power under the burden of five tons net register for the transportation of persons or property for compensation between points in this state on January 1, 1975, may on or before April 1, 1975, file

with the Commission an application for a certificate of public convenience and necessity for the type of service performed by the vessel. The Commission shall issue such certificate authorizing such service without further proceedings."

The record indicates and the Commission so finds, that:

1. Applicant, a Master Mariner, has been a First Class Pilot on San Francisco Bay and its tributaries to Stockton and Sacramento since 1953.

2. Prior to 1963 applicant, in performance of his duties as a pilot, used the services of Harbor Carriers, Inc. to board and depart from incoming and outgoing ships.

3. Because of a strike in 1969 applicant commenced using his own motor vessel between his home, which is located along Marina Vista Canal, San Rafael, and points of meeting with incoming and outgoing ships.

4. Applicant continued use of his own vessel for this purpose until August 1974, when, because of a breakdown of his vessel, he commenced using the service provided by the California Inland Pilots Association to meet incoming and outgoing ships.

5. On approximately ten occasions during the time he operated his own vessel he transported other Bar Pilots and on several instances he transported sailors who had missed their ships.

6. In each instance said transportation was performed as an accommodation without compensation.

After consideration the Commission concludes that applicant was not operating a watercraft for compensation on January 1, 1975 as required by Section 1007(b) of the Public Utilities Code.

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O R D E R

IT IS ORDERED that Application No. 55551 is denied.

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

Dated at San Francisco, California, this 18th  
day of NOVEMBER, 1975.

William J. ... President  
Vernon ...  
...  
... Commissioners