

Decision No. 85435**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of LOUIS H. IMMETHUN (Purchaser))
 and JACK F. FREITAS (Seller) for) Application No. 56056
 authorization to transfer) (Filed November 13, 1975)
 Certificate of Public Convenience)
 and Necessity.)

O P I N I O N

Jack F. Freitas and Lorna T. Freitas, hereinafter referred to as Sellers, request authority to transfer to Louis H. Immethun, hereinafter referred to as Purchaser, their Certificate of Public Convenience and Necessity to operate as a common carrier by vessel for the transportation of persons and property, for compensation, between Jersey Island, Bradford Island, Webb Tract, and Franks Tract, located on False River, a tributary of the San Joaquin River in Contra Costa County.

The Sellers and Purchaser have entered into a written agreement that sets forth the terms and conditions of the transfer of the Certificate of Public Convenience and Necessity. The area to be served by the Purchaser, the time schedules, and all other methods of operation remain the same as stated in the original Application No. 42767 (Decision No. 61557).

The reason given for this transfer is that the Sellers wish to retire from active employment.

The Purchaser has been assigned a five-(5) year contract by Contra Costa County to provide the ferry service.

The Buyer is purchasing from the Sellers the ferry boat, "Victory II". Buyer has met all the necessary requirements of Contra Costa County, has posted a thirty thousand dollar (\$30,000) Performance Bond with the county, and has acquired all the necessary insurance for this operation.

The application was listed on the Commission's Daily Calendar of November 13, 1975. The Commission's Transportation Division staff has reviewed the application and recommends that, in the absence of protests or request for public hearing, it be granted by ex parte order. No protest or request for hearing has been received.

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 and the application should be granted.

The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Jack F. Freitas and Lorna T. Freitas and the issuance of a certificate in Appendix form to Louis H. Immethun.

Purchaser 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. Jack F. Freitas and Lorna T. Freitas may sell and transfer the operative rights referred to in the application to the purchaser, Louis H. Immethun.
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 he has adopted or established the rates and rules as his own. The tariff and timetable filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' 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 filings of tariffs and timetables set forth in General Order No. 87 Series.

4. 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 Louis H. Immethun authorizing him to operate as a common carrier by vessel, as defined in Sections 211 (b) and 236 of the Public Utilities Code, between the points as more particularly set forth in Appendix A attached hereto and made a part hereof.

5. The Certificate of Public Convenience and Necessity granted by Decision No. 61557 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Purchaser shall comply with the safety rules and requirements of the U. S. Coast Guard, the rules and regulations of the Commission and the insurance requirements of the Commission's General Order No. 111 Series.

7. Purchaser shall maintain his 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 his 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 10th day of FEBRUARY, 1976.


President

William Symons

Vernon L. Stenger

Leonard Ron

Robert Brown

Commissioners

DDM *

Appendix A

LOUIS H. IMBRIEUX
(an individual)

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CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY

Showing common carrier by vessel 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. **85435**
dated **FEB 10 1976** of the Public Utilities Commission
of the State of California, in Application No. 56056.

Appendix A

LOUIS H. IMMETHUN
(an individual)

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Louis H. Immethun, an individual, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct operations as a common carrier by vessel for the fulfillment of his contract with the County of Contra Costa and for the transportation of passengers and freight over False River between Jersey and Bradford Islands and Webb and Franks real estate tracts.

The Common carrier service herein authorized shall be performed on a scheduled basis as provided in the contract with the County of Contra Costa and any additional service shall be on an "on-call" basis.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 85435, Application No. 56056.