

Decision No. 85690

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of JEFFRY W. STICKLER, and BRUCE
PONCEL, a partnership doing bus-
iness as CATALINA ISLAND WATER
TRANSPORTATION CO. for a
certificate of public convenience
and necessity to operate a common
carrier service by vessel between
points and places on Santa Catalina
Island, California, and between
such points and places and vessels
on the inland waters of the State,
and between such vessels on the
inland waters of the State as a
passenger water taxi service.

Application No. 56067
(Filed November 12, 1975)

James H. Radcliffe, Attorney at
Law, for applicant.
James H. Lyons and Arthur Baldonado,
Attorneys at Law, for Island
Enterprises, Inc., protestant.
John E. deBrauwere, for the Commission
staff.

INTERIM OPINION

This is an application for a certificate of public convenience and necessity as a common carrier by vessel, under Section 1007 of the Public Utilities Code, to operate between various vessels and places on the inland waters in and around Santa Catalina Island on an "on call" and chartered basis.

The proposed rates, areas of operations, list of equipment, and financial statement are attached to the application as Exhibits A, C, D, and E respectively.

The equipment to be used is fully licensed and certificated as ocean-going vessels up to three miles seaward by the U. S. Coast Guard.

The requested authority includes the area certificated to protestant in D.84685 dated July 22, 1975. Applicant is requesting ex parte authority outside protestant's certificated area. This encompasses service between Avalon and points and places beyond Long Point on Santa Catalina Island and beyond 1,000 feet seaward.

There is no other service authorized to the unprotected areas and a demand for such service exists. There is no objection to the granting of such authority on an ex parte basis. Therefore we shall authorize such service, until further order. Hearings on this application are set to commence on April 19, 1976.

Findings

1. Applicants are requesting ex parte authority for the areas described above which are outside the protestant's certificated area.
2. There is presently no authorized service to those areas, though demand exists for such service, with specific requests for service beginning April 19, 1976.
3. There is no objection to the granting of such authority.
4. Public convenience and necessity requires such vessel service to an area presently not being served by a certificated carrier.
5. Applicant has sufficient experience, equipment, and financial resources to perform the service authorized herein.
6. We find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

Conclusion

Applicants should be authorized to perform the services requested in the area not presently served by a certificated carrier, until further order of this Commission.

INTERIM ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Jeffry W. Stickler and Bruce Poncel, a partnership doing business as Catalina Island Water Transportation Co., authorizing them to operate as a common carrier by vessel, as defined in Sections 211(b) and 238 of the Public Utilities Code, between Avalon on Santa Catalina Island, on the one hand, and points and places beyond Long Point on Santa Catalina Island, on the other hand, or beyond 1,000 feet seaward from Avalon, until further order of this Commission.

2. In providing service pursuant to the authority granted by this order, applicants 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, applicants shall file a written acceptance of the certificate granted. Applicants are placed on notice that if they accept the certificate they 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, applicants 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 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 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) Applicants shall maintain their 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 their operations in such form content, and number of copies as the Commission, from time to time, shall prescribe.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 13th
day of APRIL, 1976.

William J. Lyons President
Vernon L. Sturgeon
Robert Bateman Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.