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Decision No. 86093

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
HARBOR CARRIERS, INC., a corporation,
for a certificate of Public Con-
venience and Necessity, authorizing
modification of the restriction on its
scheduled service as a common carrier
of passengers by vessel between Long
Beach, on the one hand, and, on the
other, Camp Fox, Gallagher's Beach,
The Isthmus, Toyon Bay and White's
Landing, on Santa Catalina Island.

Application No. 56503
(Filed May 25, 1976)

O P I N I O N

Harbor Carriers, Inc., a corporation, operates as a common carrier by vessel in the transportation of persons and property between points in San Francisco, San Pablo, and Suisun Bays under prescriptive operative rights and a certificate of public convenience and necessity granted in Decision No. 82560 dated March 12, 1974 in Application No. 54499. Applicant also operates in scheduled service between the Port of Long Beach, on the one hand, and, on the other hand, Avalon, Camp Fox, Gallagher's Beach, The Isthmus, Toyon Bay, and White's Landing, pursuant to authority described in Decision No. 83013 in Application No. 54862, as confirmed by Decision No. 85040 in Application No. 54862.

In this application, Harbor Carriers, Inc. requests that the following restriction in its certificate set forth in paragraph I.B on First Revised Page 2 of Appendix B to Decision No. 82560 be deleted:

"Restrictions, Limitation, and Specifications:

"Service is authorized on vessels operating on scheduled runs between the Port of Long Beach and Avalon. Between September 16 and June 14 of each year service is subject to a minimum of 100 round trip fares, on a space-available basis, upon seven days' prior notice to Harbor Carriers, Inc."

The application alleges that the following facts show that the proposed operations are required by public convenience and necessity: Applicant has received numerous requests for service during the period between September 16 and June 14 which cannot be accommodated under the presently worded restriction requiring a minimum of 100 round-trip fares. Also, requests for service justify operations on Friday and Sunday at individual fares to points other than Avalon in conjunction with service between Long Beach and Avalon. The requested modification of the said restriction will give applicant greater flexibility required between September 16 and June 14 to serve the increasing needs of the public. No other scheduled service is available.

The application states that the authority herein sought will have no adverse effect upon the environment. The fares to be assessed are those now on file with the Commission. The vessels to be used are those now currently in service.^{1/} No changes are proposed in applicant's current Time Table No. 31 pertaining to the service in question.

<u>1/</u>	<u>Vessel</u>	<u>Passengers</u>	<u>Size</u>
	Long Beach King	700	132' x 35'
	Long Beach Empress	700	132' x 35'
	Long Beach Prince	700	132' x 32'
	Cabrillo	110	65' x 20'

The authority sought herein appears to be in compliance with Ordering Paragraph 1(c) of Decision No. 85040, supra, which ordered applicant to bring its tariff and certificate into conformity as specified in Finding 13 of that decision, which reads as follows:

"13. Applicant should be directed to bring Items 110 and 115 of its Local Passenger Tariff 13, Cal PUC No. 1 into conformity with provisions of its certificate which require that for service between Long Beach and points other than Avalon, between September 16 and June 14 of each year, service is subject to a minimum of 100 round-trip fares, on a space available basis, upon seven days' prior notice to Harbor Carriers, Inc., or in the alternative, to seek authority to amend its certificate."

Copies of the application were served on competing vessel carriers. Notice of the filing of the application appeared on the Commission's Daily Calendar. There are no protests or requests for hearing.

The Commission finds that public convenience and necessity require the amendment of applicant's certificate as proposed herein, and that it can be seen with certainty that there is no possibility that the activity in question may have a significant impact on the environment. A public hearing is not necessary. The application should be granted.

Harbor Carriers, 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 Harbor Carriers, Inc., a corporation, authorizing it to operate as a common carrier by vessel, as defined in Sections 211(b) and 238 of the Public Utilities Code, to transport passengers between the points and over the routes particularly set forth in paragraphs I.B and II, Second Revised Page 2 to Appendix B of Decision No. 82560 in Application No. 54499, which page is attached hereto and made a part hereof.

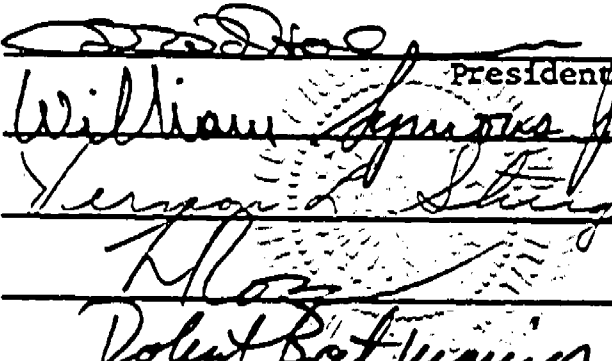
2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority

- 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 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. 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 13th day of JULY, 1976.


William J. Hughes President
Vernon A. Sturgeon
Robert Bateman Commissioners

San Pedro Channel Operations

Harbor Carriers, Inc., a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct common carrier services by vessel, as described below, for the transportation of passengers and their baggage:

I. Scheduled Service

- A. Between Port of Long Beach and Avalon.
Daily, throughout the year.
- B. Between Port of Long Beach, on the one hand, and the following points in Santa Catalina Island, on the other hand:
 - 1. Gallagher's Beach, 2. Toyon Bay, 3. White's Landing, 4. Camp Fox, and 5. The Isthmus, either directly or via Avalon.

Restrictions, Limitations, and Specifications:

Service is authorized on vessels operating on scheduled runs between the Port of Long Beach and Avalon.

II. Nonscheduled Service

Between Port of Long Beach, on the one hand, and the following points in Santa Catalina Island, on the other hand:

- 1. Avalon, 2. Gallagher's Beach, 3. Toyon Bay, 4. White's Landing, 5. Camp Fox, 6. The Isthmus, 7. Howland Landing.

Restrictions, Limitations, and Specifications:

Transportation of passengers and baggage shall not be conducted under this service unless prior arrangement based on hourly rates, with a four-hour minimum, has been made with the carrier.

Issued by California Public Utilities Commission.

Decision No. 86093, Application No. 56503.