

ORIGINAL

Decision No. 86188

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of HARBOR CARRIERS, INC., a)
 corporation, for authorization to)
 change minimum numbers of)
 passengers transported in on call)
 service between San Francisco Bay)
 points.)

Application No. 56502
 (Filed May 25, 1976)

O P I N I O N

Harbor Carriers, Inc., a corporation, is engaged in business as a common carrier by vessel in the transportation of persons and property between points on San Francisco, San Pablo, and Suisun Bays under prescriptive operative rights and a certificate of public convenience and necessity granted by the Commission in Decision No. 82560 dated March 12, 1974 in Application No. 54499.

Applicant's presently effective Timetable No. 30 on file with the Commission shows, among other things, the conditions under which it provides on-call service between various points on San Francisco Bay. Applicant requests authority to amend its timetable by increasing the minimum number of passengers which will be transported in its on-call service on San Francisco Bay and by changing the requirement for prior notice to perform that service from two hours to 24 hours.

In support of this request, the application recites the following:

"Applicant holds unrestricted authority for on call service for the transportation of passengers in the territory involved herein (among other points) by virtue of the prescriptive right confirmed to Applicant's predecessor by the Commission and described at page 515 of Volume 40 of the Opinions and Orders of the Railroad Commission of California. Applicant, nevertheless, is filing this application because Applicant believes that an increase in the number of passengers required for on call service is technically a rate increase and requires prior authorization from the Commission. The changes in Applicant's Time Table proposed herein will not result in any additional revenue to Applicant."

Notice of the filing appeared on the Commission's Daily Calendar. No objection to applicant's proposal or request for public hearing has been received.

Applicant's request requires the amendment of its certificate of public convenience and necessity granted in Decision No. 82560, because its timetable criteria are set forth in its certificate. Applicant's request appears to be reasonable. 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. Appendix A of Decision No. 82560 in Application No. 54499 is amended by incorporating First Revised Pages 2 and 3, attached hereto, in revision of Original Pages 2 and 3.


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.

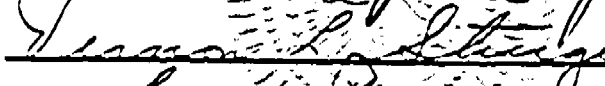
- d. The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 87-Series and 117-Series.
- e. Applicant shall maintain its accounting records on a calendar 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 3rd day of AUGUST, 1976.



President




Commissioners

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

San Francisco Bay Area Operations

Harbor Carriers, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport persons by vessel over the waters of San Francisco Bay between San Francisco, on the one hand, and Angel Island State Park, Tiburon, Alcatraz Island, and Sausalito, on the other hand, and between Berkeley, on the one hand, and Angel Island State Park and Tiburon, on the other hand, subject to the following conditions:

SCHEDULED AND NONSCHEDULED SERVICEA. San Francisco - Angel Island State Park

Harbor Carriers, Inc. shall provide in its tariff and timetable for at least one trip per day in each direction during the period from June 1 through September 10 of each year. In addition, applicant is authorized to provide in its tariff and timetables for an on-call service, *on 24 hours' notice, for 100 or more adult passengers during the period from September 11 through May 31 of each year.

B. San Francisco - Tiburon

Harbor Carriers, Inc. shall provide in its tariff and timetable for at least two trips per day in each direction during the period from June 1 through September 10 of each year. In addition, applicant is authorized to provide in its tariff and timetable for an on-call service, *on 24 hours' notice, for 100 or more adult passengers during the period from September 11 through May 31 of each year.

C. San Francisco - Alcatraz Island

Harbor Carriers, Inc. shall provide in its tariff and timetable for at least two trips per day in each direction during the period from June 1 through September 10 of each year. In addition, Harbor Carriers, Inc. is authorized to provide in its tariff and timetable for an on-call service, on one hour's notice, for forty or more adult passengers during the period from September 11 through May 31 of each year.

Issued by California Public Utilities Commission.

*Changed by Decision No. 85188, Application No. 56502.

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Appendix A
(Dec. 82560)

HARBORS CARRIERS, INC.
(a corporation)

First Revised Page 3
Cancels
Original Page 3

D. San Francisco - Sausalito

Harbor Carriers, Inc. shall provide in its tariff and timetable for at least one trip per day in each direction during the period from June 1 through September 10 of each year. In addition, Harbor Carriers, Inc. is authorized to provide in its tariff and timetable for an on-call service, on two hours' notice, for forty or more adult passengers from September 11 through May 31 of each year.

E. Berkeley - Angel Island State Park

Harbor Carriers, Inc. shall provide in its tariff and timetable for at least one trip per day in each direction during the period between April 1 through October 31 of each year. In addition, Harbor Carriers, Inc. is authorized to provide in its tariff and timetable for an on-call service, *on 24 hours' notice, for 200 or more adult passengers between the period November 1 through March 31 of each year, provided that service commences after 9 a.m. and terminates before 6 p.m. of the same day.

F. Berkeley - Tiburon

Harbor Carriers, Inc. shall provide in its tariff and timetable for at least one trip per day in each direction during the period from April 1 through October 31 of each year. In addition, Harbor Carriers, Inc. is authorized to provide in its tariff and timetable for an on-call service, *on 24 hours' notice, for 100 or more adult passengers, between the period November 1 through March 31 of each year, provided that service commences after 9 a.m. and terminates before 6 p.m. of the same day.

Issued by California Public Utilities Commission.

*Changed by Decision No. 85188, Application No. 56502.