

ALJ/emk/md

Decision 84 11 052 NOV 7 1984**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

H. TOURIST, INC., doing business )  
as CATALINA CRUISES,

Complainant,

vs.

ISLAND PASSENGER SERVICE  
CORPORATION,

Defendant.

Case 84-08-058  
(Filed August 14, 1984)ORDER DENYING  
PETITION TO INTERVENE

On October 1, 1985, Catalina Channel Express, Inc. (Express) filed a petition to intervene in the above-captioned matter.

After describing itself and repeating facts regarding a prior Commission proceeding which were also alleged in the original complaint in this matter, Express states:

"7. Express concurs with the allegations contained in the complaint herein. The carrying of passengers for compensation by defendant's vessel Cormorant, a vessel of 49 net tons, without authority from the Public Utilities Commission is illegal. Said operations are adversely affecting the lawful operations of Express.

"8. Express' position in this complaint is similar to the complainant's, and it is in support of the relief sought. Its participation in this complaint is simply for the purpose of developing the record

to prove the illegal operations of the defendant. Express' participation in the complaint will not unduly burden the record or broaden the issues."

Express closes by requesting authority to intervene, produce evidence, and act as a co-complainant in this matter.

While this petition alleges that Express's interests are "similar to the complainant's", there are, to use the language of Rule 53 of our Rules of Practice and Procedure, no "averments which are reasonably pertinent to the issues already presented." In fact, there are no averments at all about wrongdoing by Island Passenger Service Corporation. There is merely a legal conclusion in paragraph 7 based on Express's concurrence with the allegations in the original complaint of H. Tourist, Inc.

For these reasons and because the primary dispute in the proceeding is only one of proper statutory interpretation, we cannot perceive any benefit to this Commission or to the petitioner that could arise from its participation.

Therefore, no good cause having been shown,  
IT IS ORDERED that the petition to intervene is denied.

This order is effective today.

Dated NOV 7 1984, at San Francisco, California.

VICTOR CALVO  
PRISCILLA C. GREW  
DONALD VIAL  
WILLIAM T. BAGLEY  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TO