

ORIGINAL

84 11 103

NOV 21 1984

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of CATALINA CHANNEL EXPRESS, INC.,)
a California corporation, for)
amendment of Condition 1 a of its)
certificate of public convenience)
and necessity.)

Application 84-08-068
(Filed August 17, 1984)

O P I N I O N

Applicant Catalina Channel Express, Inc. (Express), a California corporation and a common carrier by vessel which holds a certificate of public convenience and necessity (CPC&N) for the transportation of persons and their baggage between Berth 95-96, San Pedro, and the Queensway Hilton Hotel, Long Beach, on the one hand, and points on Santa Catalina Island (Catalina), on the other hand, requests an amendment of paragraph I.a. on First Revised Page 1 of its certificate authorized in Decision (D.) 83-06-038. Paragraph I.a. states:

"a. One schedule will be operated in the afternoon daily at 4:30 p.m. leaving Berth 95-96 in the Los Angeles Harbor to Avalon, Santa Catalina Island."

Express requests that paragraph I.a. be amended to read:

"a. One schedule will be operated in the afternoon daily leaving Los Angeles Harbor between the hours of 3:00 p.m. and 6:30 p.m. destined for Avalon, Santa Catalina Island."

On March 18, 1981, Express filed Application (A.) 60379 which was protested by H. Tourist, Inc., doing business as Catalina Island Cruises as well as Long Beach Catalina Cruises (Tourist). Tourist withdrew its protest when Express agreed to the condition set forth in its current certificate. The purpose of the requested stipulation was to ensure that Express was going to operate daily as it had set forth in its A.60379 and become a true commuter service.

Express alleges that it is a commuter service and has been operating and will continue to operate daily services between San Pedro and Avalon and to provide at least five days a week service between San Pedro and Two Harbors, on Catalina. Therefore, Express alleges the purpose of the stipulation no longer exists.

Express alleges that during the winter time, Tourist operates one schedule from San Pedro to Avalon at 9:15 a.m. and one schedule from Avalon to San Pedro, departing Avalon at 4:45 p.m. and arriving in San Pedro at 6:45 p.m. Express wishes to change the 4:30 p.m. departure requirement so that it may schedule the afternoon departure from San Pedro at an earlier or later time as a result of requests made by commuters who utilize its service. Express alleges that a 4:30 p.m. departure is too early for the patrons to leave work and board the boat at San Pedro for Avalon. This is especially true on Friday night, but also holds true throughout the week. Express alleges that public convenience and necessity would best be served by changing the requested condition in its certificate so that it may schedule afternoon departures from San Pedro to conform with the needs of the traveling public. Express further alleges that it has discussed this change with Tourist who has no objections to the amendment.

Notice of the filing of the application appeared on the Commission's Daily Calendar of August 23, 1984. No protests have been filed.

Findings of Fact

1. Express has been operating as a common carrier by vessel between San Pedro and Avalon on a daily basis and between San Pedro and Two Harbors, Catalina, on a five-day per week basis since it received its CPC&N to operate such service.

2. The reason for the condition contained in Appendix A, paragraph I.a., First Revised Page 1 of its certificate authorized by D.83-06-038, no longer exists.

3. The requested change in paragraph I.a. of First Revised Page 1 of its certificate is noncontroversial in nature. There have been no protests to the change requested in this application.

Conclusions of Law

1. Public convenience and necessity have been demonstrated and the requested change in Express's certificate should be granted.

2. A public hearing is not necessary.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. Appendix A to Decision 83-06-038 in Application 82-07-64, is amended by replacing First Revised Page 1 with Second Revised Page 1 (attached) so Paragraph 1.a. reads as follows:

"a. One schedule will be operated in the afternoon daily leaving Los Angeles Harbor between the hours of 3:00 p.m. and 6:30 p.m. destined for Avalon, Santa Catalina Island."

2. In all other respects, Decision 83-06-038 shall remain in full force and effect.

3. The application is granted as set forth above.

This order is effective today.

Dated NOV 21 1984, at San Francisco, California.

FRESCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

Commissioner Victor Calvo,
being necessarily absent, did
not participate.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodoyatz, Executive Director

Appendix A
(Dec. 83-06-038)

CATALINA CHANNEL EXPRESS, INC.
(a California corporation)
(VCC-52)

Second Revised
Page 1
Cancels
First Revised Page 1

Catalina Channel Express, Inc., a California corporation, by this certificate of public convenience and necessity, is authorized to conduct common carriage by vessels for the transportation of passengers and their baggage between Berth 95-96 in the Los Angeles Harbor and the Queensway Hilton Hotel, Long Beach, on the one hand, and Avalon and Two Harbors on Santa Catalina Island, on the other hand, as described below:

I. Scheduled Service

Between Berth 95-96 in the Los Angeles Harbor, on the one hand, and Avalon, Santa Catalina Island, on the other hand, with the following restrictions, limitations, and specifications:

- * a. One schedule will be operated in the afternoon daily leaving Los Angeles Harbor between the hours of 3:00 p.m. and 6:30 p.m. destined for Avalon, Santa Catalina Island.
- b. No schedules will be operated leaving Berth 95-96 in the Los Angeles Harbor destined for Avalon, Santa Catalina Island with a departure time within one-half hour before or after the scheduled departures of H. Tourist, Inc. on file with this Commission on June 18, 1981.

Between Berth 95-96 in the Los Angeles Harbor, on the one hand, and Two Harbors, Santa Catalina Island, on the other hand, with the following limitation:

A minimum of one round-trip schedule per day for a minimum of five days per week will be operated throughout the year.

Issued by California Public Utilities Commission.

* Revised by Decision 84 11 103, Application 84-08-068.