

Decision 90 03 026 MAR 14 1990

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CROWLEY TOWING AND TRANSPORTATION)
CO., a Louisiana corporation, to)
revoke its certificate to conduct)
common carrier services by vessel)
for the transportation of property.)

Application 90-01-025
(Filed January 18, 1990)

O P I N I O N

By this application, Crowley Towing and Transportation, Co., (Crowley) requests that the Commission revoke its certificate of public convenience and necessity authorizing operations as a vessel common carrier for the transportation of property.

By Decision (D.) 85-09-082, dated September 18, 1985 in Application 85-05-106, Crowley was authorized to conduct common carrier services by vessel, for the transportation of property, as follows:

"Nonscheduled Service

Between all points on the inland waters of the State of California and upon the high seas between points within the State of California."

Crowley requests that we revoke this authority pursuant to the provisions of Section 1009 of the Public Utilities (PU) Code.

The applicant states that while this operating authority has been outstanding for about four and one-half years, during this period it has conducted no service subject to the jurisdiction of this Commission. In support of its request Crowley alleges as follows:

- (1) When it applied for the authority in mid-1985, Crowley was hopeful that some traffic could be generated using tug and barge equipment on the high seas between points in California. However, with the passage of time, it has become clear that this mode of transport is unable to effectively compete in view of time-in-transit and cost considerations, when measured against truck and rail transportation.
- (2) Any future potential that may exist for vessel common carriers is on the San Francisco Bay and tributary waters. As seen by the recent earthquake and resulting closure of the San Francisco-Oakland Bay Bridge, recurring traffic congestion and the future possibility of truck restrictions upon Bay Area bridges and highways, there is some future potential for tug and barge services between points in the metropolitan San Francisco Bay Area. To the extent this potential materializes in the future, another common carrier by vessel affiliated with Crowley by common ownership, Harbor Carriers, Inc., already holds vessel common carrier rights authorizing the transportation of property between points on the San Francisco, San Pablo and Suisun Bays, and on the San Joaquin, Sacramento and Napa Rivers and Petaluma Creek and their navigable tributaries. Thus, Crowley's operating authority in this area of northern California is superfluous.
- (3) Crowley must file quarterly reports and assume a regulatory burden which, in view of the lack of operation under this certificate, creates unnecessary paperwork and costs.

After consideration, we conclude that public convenience and necessity no longer require the existence of the vessel common carrier operating authority held by Crowley. The continued existence of the authority held by Crowley's affiliate, Harbor

Carriers, Inc., can adequately serve the potential future public need within the territory presently authorized to be served by the applicant.

Notice of filing of the application appeared in the Commission's Daily Transportation Calendar. No protest has been received objecting to our granting of the application.

Findings of Fact

1. Crowley holds a certificate of public convenience and necessity to operate as a vessel common carrier of property, pursuant to authority granted by D.85-09-082.

2. Crowley has never performed operations under the above referenced decision.

3. Public convenience and necessity no longer require the existence of the authority granted by D.85-09-082.

Conclusion of Law

The application should be granted. Since there is no protest to the application, the effective date of this order should be the date of signature.

ORDER

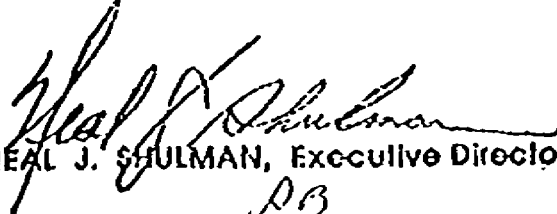
IT IS ORDERED that the authority held by Crowley Towing and Transportation Co. granted by Decision 85-09-082 in Application 85-05-106, to perform operations as a vessel common carrier, is revoked.

This order is effective today.

Dated MAR 14 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OCHANIAN
PATRICIA M. ECKERT
Commissioners

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


NEAL J. SHULMAN, Executive Director
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