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Decision 91-01-028 January 25, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SeaJet Cruise Lines,)
 a California corporation, for a)
 certificate of public convenience)
 and necessity to operate a common)
 carrier service by vessel between)
 Oceanside Harbor and Santa Catalina)
 Island and between points on Santa)
 Catalina Island.)

Application 90-09-053
 (Filed September 20, 1990)

OPINION

SeaJet Cruise Lines (SeaJet), a California corporation, seeks authority under Public Utilities (PU) Code § 1007 to extend its present common carrier by vessel service (VCC-68), so as to transport persons and their baggage between the following points:

1. Between Oceanside Harbor and all accessible ports on Santa Catalina Island, including Avalon and Two Harbors;
2. Between the Port of San Diego and all accessible ports on Santa Catalina Island, including Avalon and Two Harbors;
3. Between Avalon and Two Harbors, serving all intermediate accessible ports on Santa Catalina Island; and
4. Between all accessible points on Santa Catalina Island.

SeaJet was authorized to conduct scheduled vessel service between the Port of San Diego and Avalon, Santa Catalina Island, by Decision (D.) 90-05-087, May 22, 1990, following public hearing of Application 90-01-007.

There is no current service by ship between Oceanside and Santa Catalina Island nor between San Diego and Two Harbors Port on that island, according to the application. There is existing vessel service between coastal points on Santa Catalina Island, but

applicant states that, if it is authorized to transport passengers to all points on the island, its San Diego and Oceanside passengers will be able to purchase through tickets to island destinations. This will permit these patrons to remain on the same vessel through Avalon and eliminate the time spent by such passengers awaiting another carrier to transport them to their ultimate island destinations.

Applicant states that it proposes to utilize a high speed, planing hull boat in its Oceanside service. The vessel was built in 1976 and is certified by the United States Coast Guard to carry 149 passengers.

SeaJet's financial statements attached to the application show little change from those we reviewed and found adequate in D.90-05-087. Applicant, of course, has had additional experience in vessel operation since the time of that decision.

On October 29, 1990, Transportation Division filed its advice of participation recommending that, in the absence of protest, the application be granted by ex parte order.

Late-filed Protest

Notice of the filing of the application appeared in the Commission's Daily Transportation Calendar on September 27, 1990.

On November 16, 1990, a document entitled Petition to Intervene and Request for Hearing was filed by H. Tourist, Inc., a vessel common carrier authorized to serve Santa Catalina Island from Long beach and from San Pedro, and also authorized to serve points along the island coast.

The declaration of service by mail attached to the application shows that H. Tourist, Inc. was properly served on September 7, 1990. The protestant states that it did not receive the application.

The record also shows, however, that protestant's counsel received a further copy of the application on or about October 17, 1990, allowing about ten days for a timely protest or a petition to

extend time to have been filed. We deny the Petition to Intervene and Request for Hearing. (Rule 8.3, Rules of Practice and Procedure.)

Findings of Fact

1. SeaJet has the ability, experience, equipment, and financial resources to perform its proposed service.
2. Public convenience and necessity require the service proposed by SeaJet.

Conclusions of Law

1. Public convenience and necessity have been demonstrated and the certificate should be granted.
2. Since there is an immediate public need for the service, the order should be effective today.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to SeaJet Cruise Lines, a corporation, authorizing it to operate as a common carrier by vessel, as defined in PU Code §§ 211(b) and 238, between the points and over the routes set forth in First Revised Pages 2 and 3 which cancel Original Pages 2 and 3 of Appendix VCC-68 to transport persons, baggage, and/or property.
2. Because of the need for this service, SeaJet Cruise Lines is authorized to begin operations on the date that the Executive Director mails a notice to applicant that it has evidence of insurance on file with the Commission and that the tariffs and timetable have been accepted.
3. Applicant shall:
 - a. File with the Transportation Division written acceptance of its certificate within 30 days after this order is effective.

- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. State in its tariffs and timetables when service will start; allow at least 2 days' notice to the Commission; and make timetables and tariffs effective 2 or more days after this order is effective.
- d. Comply with General Orders Series 87, 104, 111, and 117.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.

This order is effective today.

Dated January 25, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President

G. MITCHELL WILK

JOHN B. OHANIAN

Commissioners

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

Neal J. Sweeney
NEAL J. SWEENEY, Executive Director

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS.

SeaJet Cruise Lines by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage, on a scheduled basis, between San Diego, *Oceanside and points on Santa Catalina Island along the routes described in Section 2, subject, however, to the authority of this Commission to change or modify the route at any time and subject to the following provisions:

- (a) No vessel shall be operated unless it has met all applicable safety requirements, including those the United States Coast Guard.
- (b) When route descriptions are given in one direction, they apply to operations in either direction unless otherwise indicated.

Issued by California Public Utilities Commission.

*Amended by Decision 91-01-028, Application 90-09-053.

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Appendix VCC-68

SeaJet Cruise Lines

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SECTION 2. ROUTE DESCRIPTIONS.

*Route 1. SAN DIEGO - SANTA CATALINA ISLAND SERVICE

Between the Port of San Diego and points on Santa Catalina Island.

*Route 2. OCEANSIDE - SANTA CATALINA ISLAND SERVICE

Between Oceanside Harbor and points on Santa Catalina Island

*Route 3. SANTA CATALINA ISLAND SERVICE

Between all accessible ports on Santa Catalina Island

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