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Decision 92-08-045

August 11, 1992

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CATALINA CHANNEL  
 EXPRESS, INC. a California  
 corporation, (VCC-52) for Removal  
 of Certain Certificate  
 Restrictions, for Authority to  
 Carry Newspapers, periodicals,  
 and Mail, and for Suspension of  
 Operations Between Redondo Beach  
 and Santa Catalina Island.

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 ) Application 92-04-014  
 ) (Filed April 9, 1992)  
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ORDER DENYING REHEARING OF DECISION 92-06-010

SeaJet Cruise Lines, Inc. (SeaJet), has filed an application for rehearing of Decision 92-06-010, wherein we amended Catalina Channel Express, Inc.'s (Catalina Express), certificate of public convenience and necessity (cpcn) to permit Catalina Express to discontinue daily service to Santa Catalina Island from its mainland terminal (except from its principal office in Los Angeles Harbor), to discontinue its required minimum of one round-trip scheduled per day between Redondo Beach and Avalon between June 15 and September 15 and its minimum of two round-trips scheduled per week between Redondo Beach and Two Harbors during that same period. Decision 92-06-010 also authorizes Catalina Express to suspend service between Redondo Beach and Catalina Island for an approximate two-year period beginning on June 3 (the effective date of the decision) through June 1, 1994, and permits Catalina Express to carry newspapers, periodicals, and mail on its vessels. Additionally, Decision

92-06-010 removes certain restrictions<sup>1</sup> from Catalina Express' tariff and authorizes Catalina Express to operate between Long Beach and Two Harbors on Catalina Island.

SeaJet has alleged that Decision 92-06-010 is erroneous because Catalina Express failed to serve notice of this application on the City of Dana Point and Orange County in violation of Commission Rules of Practice and Procedure, rule 21(k). We find SeaJet has no standing to assert this issue on behalf of those governmental agencies. In any event, rule 21(k) concerns applications for passenger stage certificates. Catalina Express is authorized to operate as a vessel common carrier and does not have a passenger stage certificate. Thus, Catalina Express is not subject to the notice provision in rule 21(k). However, we note that Catalina Express has properly complied with rule 15.1(c) which specifically provides that for applications for vessel operating authority, as well as for authority to extend or transfer authority, publication in the Commission's Daily Transportation Calendar constitutes notice of filing to potentially affected competitors, customers, and interested parties.

SeaJet has also recited its objections to Catalina Express' protest of SeaJet's own application for expanded authority (A.92-02-006); however, it has made no representations of legal or factual error in Decision 92-06-010 related to those objections, nor has it cited any legal authority supporting its arguments. Thus, SeaJet's arguments on that matter are without merit.

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1. The restrictions include: a 4:30 p.m. departure from Los Angeles Harbor, a half-hour interference in regard to the schedules of H. Tourist, Inc., and a minimum speed restriction on service between Long Beach and Avalon. (See D.92-06-010 at 8, Finding of Fact 7(a), (b), (c).)

No further discussion is required of SeaJet's allegations of error. Accordingly, upon reviewing each and every allegation of error raised by SeaJet, we conclude that sufficient grounds for rehearing of Decision 92-06-010 have not been shown.

Therefore, IT IS ORDERED:

That the application for rehearing of Decision 92-06-010 filed by SeaJet Cruise Lines, Inc., is denied.

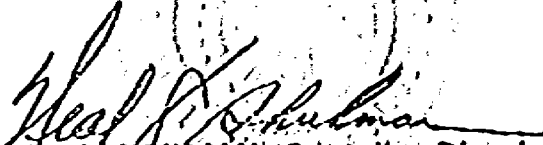
This order is effective today.

Dated August 11, 1992, at San Francisco, California.

DANIEL Wm. FESSLER  
President  
PATRICIA M. ECKERT  
NORMAN D. SHUMWAY  
Commissioners

Commissioner John B. Ohanian,  
being necessarily absent, did  
not participate.

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

  
NEAL J. SHULMAN, Executive Director  
PB