

Decision 82 11 078 NOV 17 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of San Pedro Marine, Inc. for the  
issuance of an order enlarging its  
existing certificate of public  
convenience and necessity to  
operate as a vessel common carrier  
in the Los Angeles and Long Beach  
Harbors, and to establish rates.

Application 82-10-60  
(Filed October 28, 1982)

INTERIM OPINION

This matter is before us on the application of San Pedro Marine, Inc. (San Pedro) for an order removing certain restrictive conditions in its existing certificate of public convenience and necessity to conduct water vessel common carrier operations in and around the Los Angeles/Long Beach Harbor. San Pedro's existing certificate limits its vessel operations to the transportation of lube oil in 450-gallon aluminum tote tanks, and ships' stores, freight, and spare parts when transported in conjunction with a lube oil delivery.

In Decision 90334, issued May 22, 1979 in Application 58111, we found that the transportation of such lube oil in 450-gallon tote tanks does not constitute transportation of oil in bulk under Public Utilities Code § 238(c), and we therefore exercised jurisdiction over the transportation.

San Pedro served copies of its application on H-10 Water Taxi Company, Inc., Universal Marine Corporation, Pacific Towboat and Salvage, and U.S. Water Taxi. San Pedro states that H-10 Water Taxi Company, Inc. and Universal Marine Corporation have ceased operations. Pacific Towboat and Salvage seeks modification of its operating authority to remove the restrictions. We also address that request today. Pacific Towboat and Salvage has stated in a telephone conversation that it does not intend to protest San Pedro's request for interim expansion of its operating authority. No protests have been received.

In support of its request for expanded authority, San Pedro offers the declaration of its president who states that two of the existing water vessel common carriers in the Los Angeles/Long Beach Harbor recently ceased operations due to financial difficulties. San Pedro states that this has resulted in insufficient transportation capacity to meet the demand for ships' stores, spare parts, and freight service in the harbor area with the two remaining certificated carriers, both of which have restrictions in their certificates limiting their activities.

In addition, San Pedro asserts that the existing exempt carriers (those using vessels having a capacity of less than five tons net register) are unable to meet the demand, particularly that for large stores shipments. Finally, San Pedro alleges that noncertificated carriers are performing these transportation services in order to meet the demand in the market.

Based on San Pedro's declaration, it appears that an immediate need exists for additional vessel common carrier service in the Los Angeles/Long Beach Harbor. We are satisfied, based on San Pedro's experience in this field, its financial statement filed with the application, and its equipment and facilities available to provide stores service, that San Pedro is fit to provide the required expanded service. We will authorize San Pedro to conduct a full vessel common carrier service within the Los Angeles/Long Beach Harbor on an interim basis pending our further consideration of its request for expanded authority on a permanent basis.

Findings of Fact

1. San Pedro is a vessel common carrier under our jurisdiction which currently possesses a certificate of public convenience and necessity which limits its vessel operations to transportation of lube oil in 450-gallon aluminum tote tanks and ships' stores, freight, and spare parts when transported in conjunction with a lube oil delivery.

2. The two vessel common carriers which have certificates without restrictions have ceased operations due to financial difficulties.

3. San Pedro has received and continues to receive requests to transport ships' stores without concurrent delivery of lube oil.

4. San Pedro has the financial ability, the equipment, and the expertise required to furnish the expanded service.

5. Notice of the filing of the application appeared on the Commission's Daily Calendar on November 2, 1982. No protests have been received.

6. San Pedro requests interim authority removing the restriction on its certificate pending the Commission's consideration of San Pedro's request for permanent unrestricted operating authority.

7. There is an immediate need for the expanded service San Pedro requests.

Conclusion of Law

The request of San Pedro for interim authority should be granted as set forth below.

INTERIM ORDER

IT IS ORDERED that:

1. The restrictive conditions in the certificate of public convenience and necessity previously issued to San Pedro Marine, Inc. (San Pedro) which prohibit its transportation of passengers and which restrict its transportation of stores, freight, and spare parts to transportation as part of a lube oil delivery, are removed for a period of 6 months pending our review and consideration of San Pedro's request for a permanent removal of these operating restrictions. San Pedro's certificate is revised as shown in Appendix A.

2. San Pedro may file tariffs on two days' notice to the Commission and the public reflecting transportation of passengers, and stores, freight, and spare parts in the absence of lube oil, at the same rates presently set forth in its tariffs for transportation of stores, freight, and spare parts in conjunction with lube oil deliveries.

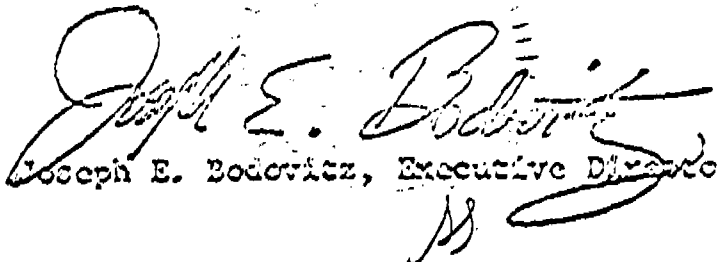
3. The authority granted in this decision expires on May 17, 1983 unless extended by further order of the Commission.

This order is effective today.

Dated NOV 17 1982, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
LEONARD M. CRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. CREW  
Commissioners

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

  
Joseph E. Bodovitz, Executive Director

Appendix A  
(D.90334)

SAN PEDRO MARINE, INC.  
(a California corporation)

Revised Page 1  
Cancels  
Original Page 1

San Pedro Marine, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operations as a vessel common carrier as defined in Public Utilities Code §§ 211(b) and 238 for the transportation of lube oil, in bulk, in tote tanks,\* parts; freight; stores; and passengers between:

1. The ports of Los Angeles and Long Beach, on the one hand, and, on the other, all docks, wharves, ships, points, and places within the Los Angeles/Long Beach Harbor.
2. All docks, wharves, ships, points, and places within the Los Angeles/Long Beach Harbor, on the one hand, and, on the other, marine installations and rigs, ships, and vessels located at points south offshore off Oceanside to points north off Santa Barbara.

subject to the following restrictions:

1. No vessel shall be operated unless it has met all applicable safety requirements, including those of the United States Coast Guard.
2. No service shall be provided to or from Santa Catalina Island.
3. This authority expires on May 17, 1983 unless extended by further order of the Commission.

\*Steel tanks four feet square and five feet high with a 450-gallon capacity.

Issued by California Public Utilities Commission.  
Decision 82-11-078. Application 82-10-60.

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1. The ports of Los Angeles and Long Beach, on the one hand, and, on the other, all docks, wharves, ships, points, and places within the Los Angeles/Long Beach Harbor.
2. All docks, wharves, ships, points, and places within the Los Angeles/Long Beach Harbor, on the one hand, and, on the other, marine installations and rigs, ships, and vessels located at points south offshore off Oceanside to points north off Santa Barbara.

subject to the following restrictions:

1. No vessel shall be operated unless it has met all applicable safety requirements, including those of the United States Coast Guard.
2. This authority expires on May 17, 1983 unless extended by further order of the Commission.

\*Steel tanks four feet square and five feet high with a 450-gallon capacity.

Issued by California Public Utilities Commission.

Decision 82 11 078, Application 82-10-60.