

Decision ~~83-05-074~~ AUG 17 1983**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of H-10 Water Taxi Co., Ltd., a)
 California corporation, for)
 authority to sell, and R.V. De Witt,)
 an individual, to purchase, a)
 certificate of public convenience)
 and necessity.)

Application 83-05-37
 (Filed May 18, 1983)

O P I N I O N

R. V. De Witt (De Witt), an individual, requests authority to acquire the vessel common carrier certificate of H-10 Water Taxi Co., Ltd. (H-10, VCC-12), a California corporation. This certificate authorizes the operation by vessel for the transportation of persons and freight between the docks and wharves of the Port of Los Angeles and Long Beach, on the one hand, and ships at anchor inside and outside the breakwater of said Port, as well as points on Santa Catalina Island, and ships moored off El Segundo and Huntington Beach, California, as set forth in Decision 76436 in Application (A.) 51342, as amended.

Applicants state that in early 1982 H-10 suspended operations under its certificate and that H-10 attempted to reinstitute service in January of 1983 but was unsuccessful.

The purchase agreement covering the transfer of the certificate is in the application.

De Witt has purchased one of the water taxis formerly operated by H-10 with which he proposes to commence the service. As the demand for service increases, De Witt is in a position to acquire new vessels.

De Witt's balance sheet is in the application and shows a net worth of \$306,000.

De Witt intends to provide the service as it had been provided by H-10, including the appropriate sections of the tariff and timetable.

De Witt has over twenty years of experience in providing service to the public in the Los Angeles-Long Beach area, including passengers-for-hire, sport fishing boats, boats for scuba diving and whale watching.

A.83-05-37 was placed on the Commission's Daily Calendar and the Commission's Transportation Calendar on May 23, 1983.

A late-filed "protest and request for summary dismissal" was received on July 22, 1983 from San Pedro Marine, Inc. (San Pedro). San Pedro admitted in its filing that A.83-05-37 was noticed on the Commission's Calendar of May 23, 1983. Publication in the Commission's Calendar constituted notice to other vessel carriers, pursuant to Commission Rules of Practice and Procedure No. 15.1(c). No special hardship or other reason sufficient to cause us to waive the rule is present. San Pedro's protest is accordingly not allowed.

Findings of Fact

1. De Witt and H-10 request that H-10's vessel common carrier certificate be transferred to De Witt.
2. De Witt has purchased one of the water taxis formerly operated by H-10.
3. De Witt is financially fit to conduct the proposed service.
4. De Witt is willing and able to conduct the service.
5. The public interest will not be adversely affected by the transfer.
6. No timely protests have been received.
7. A public hearing is not necessary.
8. The transfer should be made effective as soon as possible in order to minimize an interruption of service to the public.

A.83-05-37 T/ctb *

Conclusions of Law

1. The proposed transfer is in the public interest and should be authorized:
2. A public hearing is not necessary.
3. This decision should be effective the date it is signed.

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. H-10 Water Taxi Co., Ltd. may sell and transfer the operative rights specified in the application to R. V. De Witt. This authorization shall expire if not exercised by December 1, 1983, or within such additional time as the Commission may authorize.
2. Purchaser shall:
 - a. File with the Transportation Division written acceptance of the certificate and a copy of the bill of sale or other transfer document within 30 days after transfer.
 - b. Amend or reissue seller's tariffs. The tariffs shall not be effective before the date of transfer, nor before 10 days' notice is given to the Commission.
 - c. Comply with General Orders Series 87, 104, 111, and 117.
 - d. Maintain accounting records in conformity with the Uniform System of Accounts.

3. When the transfer is completed, and on the effective date of the tariffs, a certificate of public convenience and necessity is granted to R. V. De Witt, an individual, authorizing him to operate as a common carrier by vessel, as defined in PU Code Sections 211(b) and 238, between the points and over the routes set forth in Appendix A, to transport persons, baggage, and/or property.

4. The certificate of public convenience and necessity granted by Decision 76436 is revoked on the effective date of the tariffs.

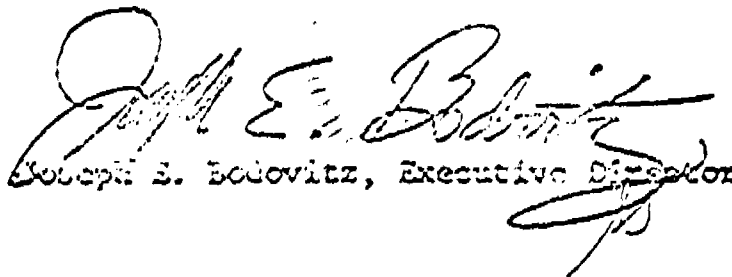
This order is effective today.

Dated AUG 17 1983, at San Francisco, California.

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

Commissioner Leonard M. Grimes, Jr.,
being necessarily absent, did not
participate.

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


Joseph E. Bodovitz, Executive Director

T/mb

Appendix A

R. V. DeWITT

Original Page 1

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
VCC-12

Showing vessel operative rights, restrictions, limitations,
exceptions and privileges applicable.

All changes and amendments as authorized by
the Public Utilities Commission of the State of California
will be made through revised or added original pages.

Issued under authority of Decision 83 08 074, dated AUG 17 1983
of the Public Utilities Commission of the State of California in
Application 83-05-37.

Section 1. GENERAL AUTHORIZATION AND RESTRICTION.

R. V. DeWITT, by the decision noted in the margin, is authorized to transport passengers, baggage, and/or freight between points or within areas described in Section 2, in motor vessels certificated by the United States Coast Guard.

All service performed under this authority shall be on an "on-call" basis only.

Issued by California Public Utilities Commission.

Decision 83 08 074, Application 83-05-37.

Section 2. ROUTES AND SERVICE AREAS FOR TRANSPORTATION OF PASSENGERS, BAGGAGE AND/OR FREIGHT.

A. Between all docks, wharves, ships, points and places within the Los Angeles-Long Beach Harbor.

B. Between all docks, wharves, ships, points and places within the Los Angeles-Long Beach Harbor, on the one hand, and any one of the following, on the other hand:

(1) All points and places on Santa Catalina Island.

(2) Ships moored offshore at El Segundo.

(3) Ships moored offshore at Huntington Beach.

(4) Ships arriving or departing Los Angeles-Long Beach Harbor.