

Decision 83 09 09S SEP 30 1983**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
CATALINA CHANNEL EXPRESS, INC., a )	Application 82-07-64
California corporation, for removal )	Petition to Modify
of restrictions contained in )	Decision 83-06-038
Decision 93291 and to amend location )	(Filed August 4, 1983)
of principal place of business. )	

OPINION ON PETITION TO MODIFY DECISION 83-06-038

Catalina Channel Express, Inc. (Express), a California corporation, operates as a common carrier by vessel under Certificate of Public Convenience and Necessity VCC-52 granted to it by Decision (D.) 93291 dated July 7, 1981 in Application (A.) 60379, as amended by D.83-06-038 dated June 1, 1983 in A.82-07-64. The certificate authorizes the following transportation of passengers and their baggage:

1. Scheduled service between Berth 95-96 in the Los Angeles Harbor, on the one hand, and Avalon and Two Harbors on Santa Catalina Island (Catalina), on the other hand.
2. Nonscheduled service between Berth 95-96 in the Los Angeles Harbor and the Queensway Hilton Hotel in Long Beach, on the one hand, and Avalon and Two Harbors on Catalina, on the other hand.

By the Petition for Modification of D.83-06-038, Express requests that its certificate be amended to authorize nonscheduled service between Berth 95-96 and the Queensway Hilton Hotel, on the one hand, and all points on Catalina, on the other hand.

The petition states as follows:

1. In its original A.60379, Express requested authority to provide scheduled service between either Berth 94-95 (now 95-96) or the hotel and all points on Catalina. The sole protestant to the application was H. Tourist, Inc. (Tourist), doing business as Catalina

Island Cruises and Long Beach Catalina Cruises. The protest was withdrawn upon a stipulated agreement by the parties that certain restrictions should apply to the proposed scheduled service and boats to be operated. D.93291 granted the scheduled authority with the restrictions agreed to by Express regarding this service and vessels to be operated and inadvertently limited the nonprotested nonscheduled service to Avalon and Two Harbors rather than authorizing it for all points on Catalina as requested.

2. A.82-07-64 requested removal of restrictions from the certificate regarding scheduled service and vessels operated. Tourist protested this application also. D.83-06-038 issued after hearing in the matter partially granted the request.
3. Express was not aware that its nonscheduled service at Catalina is limited to Avalon and Two Harbors until it reviewed the revised certificate attached to D.83-06-038. Because of this misconception, it has been providing charter service to other locations on the island.
4. Since there was no objection by anyone to the original request in A.60379 to provide charter service for all points on Catalina, the certificate should be amended to conform with this request.
5. By being able to provide charter service to all points on Catalina, Express can utilize its boats more efficiently and better serve the public.

The petition was listed on the Commission's Daily Transportation Calendar of August 12, 1983. A copy was served on Tourist. No protest has been received.

The requested revision of Express' certificate should be granted. However, it is placed on notice that it is the duty of every public utility, including any common carrier of passengers by vessel, to be knowledgeable of the authority stated in its certificate and not to operate beyond the scope of this authority

unless and until the necessary additional authority has been obtained from the Commission.

Because there is need by the public for the proposed nonscheduled service, the following order should be made effective on the date it is signed.

Findings of Fact

1. The proposal by Express to provide nonscheduled service for passengers and their baggage between Berth 95-96 in the Los Angeles Harbor and the Queensway Hilton Hotel in Long Beach, on the one hand, and all points on Catalina, on the other hand, is reasonable.

2. Public convenience and necessity require the proposed additional nonscheduled service by Express.

3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. Petition for Modification of D.83-06-038 should be granted as provided in the following order.

2. This order should be effective today because there is a need by the public for the service.

ORDER ON PETITION TO MODIFY DECISION 83-06-038

IT IS ORDERED that:

1. Appendix A of D.93291, as amended by D.83-06-038, is amended by replacing First Revised Page 2 with Second Revised Page 2, attached.

2. In all other respects, D.93291, as amended by D.83-06-038, shall remain in full force and effect.

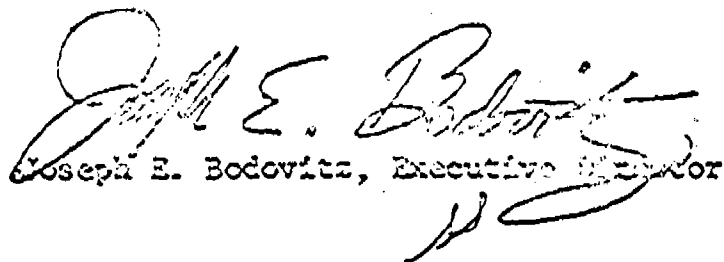
This order is effective today.

Dated SEP 30 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President  
VICTOR CALVO  
DONALD VIAL  
WILLIAM T. BAGLEY  
Commissioners

Commissioner Priscilla C. Grew,  
being necessarily absent, did  
not participate

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

  
Joseph E. Bodovitz, Executive Director

T/jc

Appendix A

CATALINA CHANNEL EXPRESS, INC.  
(a California corporation)  
(VCC-52)

Second Revised Page 2  
Cancels  
First Revised Page 2

II. Nonscheduled Service

Between Berth 95-96 in the Los Angeles Harbor and the  
Queensway Hilton Hotel, on the one hand, and \*all points on  
Santa Catalina Island, on the other hand.

Issued by California Public Utilities Commission.

\*Revised by Decision S3 09 09S, Application 82-07-64.