

ORIGINAL

Decision 83 11 11S NOV 30 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of S.S. CATALINA STEAMSHIP COMPANY, INC., for a Certificate of Public Convenience and Necessity to Conduct Operations as a Common Carrier by Vessel Between San Pedro (City of Los Angeles) and Avalon (Santa Catalina Island).

Application 83-04-39 (Filed April 14, 1983)

ORDER OF DISMISSAL

On August 31, 1983 the Commission staff filed a motion requesting that the application of S.S. Catalina Steamship Company, Inc. be dismissed without prejudice because of applicant's failure to submit necessary and required information for staff and others to formulate a position on Application 83-04-39 or to proceed with it. No response to the motion was filed by applicant.

On April 14, 1983 applicant filed the above-entitled application for authority to engage in operations as a common carrier by vessel in the transportation of passengers and baggage between San Pedro (City of Los Angeles) and Avalon (Santa Catalina Island). On May 13, 1983 H. Tourist, Inc, doing business as Catalina Cruises, filed a motion with this Commission to compel applicant to comply with Rule 17.1(d) of the Commission's Rules of Practice and Procedure. On May 16, 1983 protests to this application were filed by Catalina Channel Express, Inc., Catalina Passenger Service, Inc., and by H. Tourist, Inc.

On June 13, 1983 the administrative law judge (ALJ) assigned to this matter issued a ruling granting H. Tourist's motion to compel applicant to comply with the Commission's procedure for projects subject to the California Environmental Quality Act of 1970 (CEQA), and ordered applicant to file a proposed environmental assessment (PEA), including all information and studies required by Section V.7 through 13 of the Commission's Information and Criteria List, within 60 days of the ruling. Applicant has failed to comply with this ruling.

Applicant's failure to provide the required information in its application and, of equal concern, applicant's failure to respond to the June 13, 1983 ALJ's ruling have deprived the Commission staff, protestants, and interested parties of a reasonable opportunity to comment on the application.

Prehearing conferences scheduled for Thursday, August 11, 1983, and Friday, August 19, 1983, had to be canceled and the matter removed from calendar because of applicant's failure to comply with the ALJ's ruling.

This application will be dismissed without prejudice. This will allow applicant to resubmit its application after compiling the necessary information and filing it along with the application. Dismissal also will ensure the Commission staff and all parties have a reasonable opportunity to review and analyze applicant's application in its complete form. Applicant's rights will not be prejudiced by way of this dismissal.

Findings of Fact

1. Application 83-04-39 fails to comply with the Commission's procedures for projects subject to CEQA.
2. On June 13, 1983 in a response to a motion by protestants to the application, applicant was ordered by an ALJ's ruling to file a PEA, including all information and studies required by Section V.7 through 13 of the Commission's information and criteria list, with the Commission within 60 days of the ruling.
3. Applicant has failed to comply with the ALJ's ruling.

Conclusion of Law

Inasmuch as applicant has failed to comply with Rule 17.1(d) of the Commission's Rules of Practice and Procedure by not including a PEA and has failed to submit such PEA within 60 days as required by the ALJ's ruling, staff, protestants, and interested parties have been denied a reasonable opportunity to review and analyze Application 83-04-39. Accordingly, the motion of staff to dismiss the application without prejudice should be granted.

IT IS ORDERED that Application 83-04-39 is dismissed without prejudice.

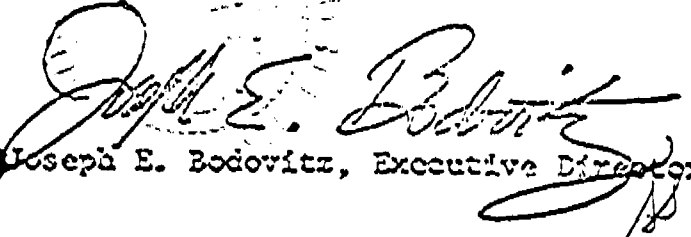
This order is effective today.

Dated NOV 30 1985, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. GREW
WILLIAM T. BAGLEY
Commissioners

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


Joseph E. Bodovitz, Executive Director

Commissioner Donald Vial, being necessarily absent, did not participate.