

Decision No. 91534 APR 2 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of BAY CITIES TRANSPORTATION)
COMPANY, a corporation, for)
authorization to transfer, and of)
HARBOR CARRIERS, INC., a corpora-)
tion, for an authorization to)
acquire operating rights as a)
common carrier by vessel.)

Application No. 59372
(Filed January 11, 1980)

OPINION AND ORDER

Bay Cities Transportation Company, a California corporation, (Transferor) requests authority to transfer its vessel carrier certificate, authorizing the transportation of property between ports and points on San Francisco, San Pablo, and Suisun Bays, the Sacramento River, and on the San Joaquin River below and including Stockton, and their tributaries to Harbor Carriers, Inc., a corporation, (Transferee).

Transferor states that it has operated for a period in excess of 50 years as a transporter of property by vessel on the San Francisco Bay and its tributaries. By Decision 90185, dated April 10, 1979, as supplemented by Decision 90860, dated September 25, 1979, the bulk petroleum transportation previously provided by Transferor was assumed by Coastal Towing and Lighterage Corporation. The remaining intrastate vessel operations provided by Transferor are sought to be continued by Harbor Carriers, Inc. through the authorization requested by this application.

Transferor and Transferee are affiliated corporations, each being under control of Crowley Maritime Corporation.

Transferee is presently engaged in regulated water carrier operations of persons between various points on San Francisco Bay. The application avers that Transferee has adequate equipment, experienced personnel and financial resources to continue service

to the public under the operating rights herein proposed to be transferred. The proposed transfer of certificate is to be accomplished for no monetary consideration.

As Transferee does not request Section 454 authority to increase the present tariff rates, rules and regulations, we will require it to adopt the present tariff without amendments.

The application was listed on the Commission's Daily Calendar of January 15, 1980. No objection to the granting of the application has been received.

It appears that public convenience and necessity require the continuation of vessel carrier service to the public.

After consideration, the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Bay Cities Transportation Company and the issuance of a certificate in appendix form to Harbor Carriers, Inc.

Harbor Carriers, Inc. is placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

IT IS ORDERED that:

1. Bay Cities Transportation Company may transfer the operative rights referred to in the application to Harbor Carriers, Inc. This authorization shall expire if not exercised by July 1, 1980, or within such additional time as may be authorized by the Commission.

2. Within thirty days after the transfer the Transferee shall file with the Commission written acceptance of the certificate and a true copy of the instrument of transfer.

3. Transferee shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that it has adopted or established, as its own, the rates and rules of the Transferor. The tariff filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the transfer. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 117-Series. Failure to comply with the provisions of General Order No. 117-Series may result in a cancellation of the operating authority granted by this decision.

4. On or before the end of the third month after the transfer, the Transferee shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the Transferor for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. In the event the transfer authorized in paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of public convenience and necessity is granted to Harbor Carriers, Inc., a corporation, authorizing it to operate as a common carrier by vessel, as defined in Sections 211(b) and 238 of the Public Utilities Code, between the points set forth in Appendix A of this decision.

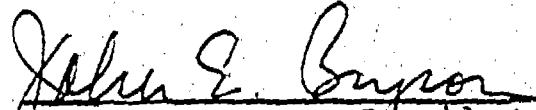
6. The certificate of public convenience and necessity granted by Decision No. 84893 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

7. Transferee shall comply with the insurance requirements of the Commission's General Order No. 111-Series.

8. Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

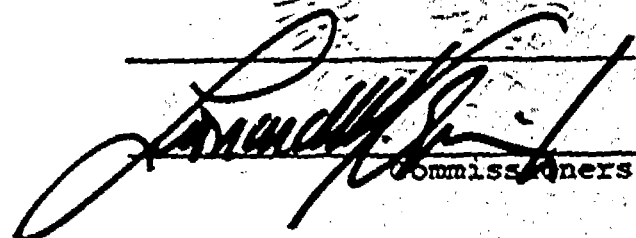
The effective date of this order is the date hereof.

Dated APR 2 1980, at San Francisco, California.


President






Commissioners

Commissioner Claire T. Dodrick, being necessarily absent, did not participate in the disposition of this proceeding.

Harbor Carriers, Inc., a corporation, by the order contained in the decision noted in the margin, is granted a certificate of public convenience and necessity to operate as a common carrier by vessel for the transportation of property between ports and points on San Francisco, San Pablo, and Suisun Bays, the Sacramento River, and on the San Joaquin River below and including Stockton, California, and their tributaries.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision 91534, Application 59372.