

Decision 00-05-011 May 4, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Red & White Ferries, Inc. (VCC-81) to Amend its Certificate of Public Convenience and Necessity to Establish and Operate Scheduled Vessel Common Carrier Service between the City of Richmond on the One Hand and Pacific Bell Park (China Basin Ferry Terminal) on the Other Hand.

Application 00-03-025
(Filed March 15, 2000)

O P I N I O N

Summary

This decision grants Red & White Ferries, Inc.'s (Red & White) request to amend its certificate of public convenience and necessity to establish and operate scheduled vessel common carrier service between the City of Richmond and China Basin Ferry Terminal in San Francisco. Red & White's motion for a limited protective order for financial information submitted with the application is granted.

Background and Discussion

Red & White is certificated as a vessel common carrier (VCC-81) to provide nonscheduled transportation of passengers and their baggage between navigable points on San Francisco Bay and vicinity, scheduled service between Richmond and San Francisco and scheduled service between San Francisco and USS Hornet/RSCD which is presently under voluntary suspension.

In Decision (D.) 98-02-008 granting Red & White's current Richmond/San Francisco scheduled operating authority, the Commission listed

Red & White's termini in San Francisco as San Francisco Ferry Building Pier ½ and Fisherman's Wharf Ferry Terminal Pier 43½ as the application requested. The City of San Francisco recently completed construction of Pacific Bell Park, and the San Francisco Giants (Giants) baseball team began its first season there in April, 2000. The City of San Francisco and the Giants are promoting ferry service to China Basin Ferry Terminal, located directly across The Embarcadero from Pacific Bell Park. Red & White would now have the Commission add China Basin Ferry Terminal as a third authorized point in San Francisco for Red & White's Richmond to San Francisco scheduled passenger service.

The park's downtown location and parking scarcity make public transportation the preferred method for fans to attend games. Red & White touts its proposed ferry service as an affordable, efficient alternative to driving which will reduce congestion on the Bay Bridge and regional freeways during game days. The Giants have written a supporting letter to the Commission endorsing Red & White's application. They expect sellout crowds of over 40,000 fans for all 83 home games this season, with up to 50% of attendees walking or taking public transit to get to the park. The Giants believe ferry service to China Basin Ferry Terminal will be very popular with fans and see it as playing an important role in the public transportation system serving Pacific Bell Park.

We agree. Red & White's proposed Richmond/China Basin Ferry Terminal service will provide a direct and efficient form of transportation to patrons attending events at Pacific Bell Park, and promote reduced traffic and other environmental benefits.

Red & White's current Richmond/San Francisco fare is \$5.00 each way. It proposes to charge \$10.00 round-trip (only) for service to China Basin Ferry Terminal, and to offer service on game day weekends and holidays through the 2000 baseball season.

Red & White intends to provide Richmond/China Basin Ferry Terminal service with the same vessels and key personnel it employs for its nonregulated Bay tour and charter services and its other, Commission-regulated operations. In granting a certificate in D.98-02-008, we discussed fully Red & White's qualifications as a potential vessel common carrier and concluded that it is financially and operationally fit to provide both nonscheduled and scheduled passenger service. Red & White refers to those same qualifications for this application. As we noted in D.98-09-003, one additional vessel, *Harbor King*, has been added to its fleet since that time. Our conclusion is the same now as it was then: Red & White is financially and operationally fit to provide the service it proposes.

We conclude Red & White's proposed service will serve the public convenience and necessity.

In accordance with the Rules of Practice and Procedure, Rule 21(k), Red & White has given notice of the application to all county and city governmental agencies and regional transportation planning agencies within whose boundaries passengers will be loaded or unloaded. There are no competing vessel common carriers currently authorized to provide scheduled service between Richmond and San Francisco. Notice of the Application appeared on the Commission's Daily Calendar March 24, 2000. No protests were received and there is no known opposition. We will grant Red & White's request.

Motion for Limited Protective Order

Red & White has filed under seal the financial information required by Rule 21(i), along with a Motion for Limited Protective Order. The motion states grounds under General Order 66-C for granting the relief requested and is

unopposed. The protective order will be granted consistent with our usual practice.

Procedural Considerations

By Resolution ALJ 176-3036 the Commission preliminarily determined this to be a ratesetting application not expected to go to hearing. There are no material facts in dispute and there is no known opposition to granting the full relief requested. We conclude that it is not necessary to disturb our preliminary determinations.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Red & White's proposed Richmond/China Basin Ferry Terminal service will provide a direct and efficient form of transportation to Pacific Bell Park that offers traffic and environmental benefits.
2. There is public demand for the Richmond/China Basin Ferry Terminal service Red & White proposes to offer.
3. Red & White intends to provide Richmond/China Basin Ferry Terminal service with the same vessels and key personnel it employs for its nonregulated Bay tour and charter services and its other, Commission-regulated operations.
4. Red & White is financially and operationally fit to provide Richmond/China Basin Ferry Terminal service.
5. There is no known opposition to granting the application, and no need to hold a hearing.

Conclusions of Law

1. The public convenience and necessity require that Red & White offer Richmond/China Basin Ferry Terminal service.
2. Red & White's request for a limited protective order for the financial information submitted under seal in support of this application should be granted.
3. The Commission having found that a hearing is not needed, the rules and procedures of Article 2.5, Senate Bill 960 Rules and Procedures, do not apply to this proceeding pursuant to Rule 6.6.
4. This is an uncontested matter in which the decision grants the relief requested. The otherwise applicable 30-day period for public review and comment should be waived as permitted by Public Utilities Code Section 311(g)(2).
5. The order that follows should be made effective immediately so that Red & White may begin offering service without delay.

O R D E R

IT IS ORDERED that:

1. Red & White Ferries, Inc., (Red & White) is authorized to establish and operate scheduled vessel common carrier service between the City of Richmond and China Basin Ferry Terminal in San Francisco. Red & White's Certificate of Public Convenience and Necessity (CPCN) is amended by replacing Second Revised Page 2 with Third Revised Page 2 included as Appendix VCC-81 to this decision.
2. To implement the authority granted in this decision, Red & White shall file with the Commission's Rail Safety & Carriers Division:

- a. Written acceptance of this authority and the corresponding revised CPCN page set forth in Appendix VCC-81 to this decision.
 - b. Revised tariff sheets as proposed in Application 00-03-025, in accordance with the Commission's General Order 117 Series. Revised tariff sheets may be made effective not sooner than one day after filing.
3. The authority granted in this decision shall expire if not exercised within three months from the effective date of this decision.
4. The financial information submitted under seal as an attachment to Red & White's Motion for Limited Protective Order shall remain under seal for a period of one year from the date of this order. During that period it shall not be made accessible or disclosed to anyone other than Commission staff except on the further order or ruling of the Commission, the assigned Commissioner, the assigned Administrative Law Judge, or the Administrative Law Judge then assigned as Law and Motion Judge. If Red & White believes that further protection of this information is needed after one year, it may not later than 30 days before the expiration of this limited protective order file a motion stating its justification for further withholding the information from public inspection, or for such other relief as the Commission's rules may then provide.
5. The 30-day period for public comment and review of this decision is waived.

6. This proceeding is closed.

This order is effective today.

Dated May 4, 2000, at San Francisco, California.

LORETTA M. LYNCH

President

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

CARL W. WOOD

Commissioners

SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS (concluded).

d. Emergency Service

At the request of the Golden Gate Bridge, Highway and Transportation District (District), carrier may provide temporary scheduled and/or non-scheduled service between San Francisco and points in Marin County during an emergency affecting operation of the Golden Gate Bridge or of the District's ferry service. "Emergency" as used herein shall mean substantial traffic impairments on the Golden Gate Bridge or its approaching roadways, or when vessels regularly used by the District for ferry service are inoperable or unavailable. In the course of providing emergency ferry service the carrier may use any of the District's ferry docking facilities as well as its own docking facilities.

SECTION II.

A. Scheduled Service

Richmond - San Francisco

Commence from Richmond Harbor, in the City of Richmond, then over the San Francisco Bay waters to the vicinity of the San Francisco Ferry Building and to Fisherman's Wharf Pier, San Francisco.

This route authorizes the transportation of passengers and their baggage between the Ferry Building and Fisherman's Wharf.

*Richmond - Pac Bell Park, San Francisco

Commence from Richmond Harbor, in the City of Richmond, then over the San Francisco Bay waters to Pacific Bell Park (China Basin Ferry Terminal).

San Francisco - USS Hornet

Commence from the aircraft carrier USS Hornet docked in Alameda, then over the San Francisco Bay waters to San Francisco Ferry Building Pier ½ and Fisherman's Wharf Ferry Terminal Pier 43 ½, San Francisco.

B. Non-Scheduled Service

Between navigable points on the Bays of San Francisco, San Pablo, and Suisun, Oakland Estuary, and all navigable tributaries northerly to the Sacramento and Stockton areas.

Issued by California Public Utilities Commission.

*Revised by Decision 00-05-011, Application 00-03-025.