

RECEIVED

JUN 18 2009

CITY OF SAUSALITO



GOLDEN GATE BRIDGE
HIGHWAY & TRANSPORTATION DISTRICT

June 17, 2009

The Honorable Mayor Jonathan Leone
and Members of the Council
City of Sausalito
420 Litho Street
Sausalito, CA 94965

Re: Red & White Ferries, Inc.: Application to California Public Utilities Commission for Authority to Establish and Operate Scheduled Ferry Service Between Fisherman's Wharf and Sausalito (Application 09-010-016 and Case 09-03-019)

Dear Mayor Leone and Members of the Council:

In my capacity as President of the Board of Directors of the Golden Gate Bridge, Highway and Transportation District ("District"), and on behalf of the District for reasons explained below, I am writing to urge your Council to adopt a resolution requesting the California Public Utilities Commission ("PUC") to conduct a hearing in the above-referenced proceedings before taking any substantive action that would allow a new operator of ferry service, Red and White Ferries, Inc. ("Red and White"), to commence ferry operations to and from Sausalito. An Interim Decision issued on June 9, 2009 by PUC Commissioner Timothy Alan Simon, if approved by his colleagues on the PUC, will allow Red and White immediately to commence operation of three scheduled ferry trips each day between Fisherman's Wharf in San Francisco and Sausalito through September 8, 2009.¹ Of immediate and particular concern to the District is that the PUC has held no hearings, and consequently, has heard no testimony on the merits of the Red and White Application. Consequently, the District strongly views the Interim Decision to be premature, as well as deficient from both public policy and legal perspectives. A copy of Commissioner Simon's Interim Decision is enclosed.

For various reasons described below, the District plans to protest the initiation of supplemental ferry service pursuant to the extraordinary process invoked by Commissioner Simon's recommended action and urges the City of Sausalito to join with the District in this regard. A wide range of significant economic and operational issues underlie the District's position that Red and White should not be certificated to offer supplemental seasonal ferry service in the manner it has proposed on an interim basis. Among the issues of specific concern that warrant scrutiny in a formal hearing setting are the following:

1. In light of Red and White's proposal to offer service only during the summer tourism season, as distinguished from the services provided by the District and Blue and Gold on

¹ The precise schedules and how they may interface or conflict with those of the two existing ferry service providers -- the District and Blue and Gold Fleet, L.P. ("Blue and Gold") -- remains unknown and is an issue in controversy in the pending proceedings.

6A
6-23-09
1

a year-round basis including winter months, how might Red and White's service affect the revenue base of the District and Blue and Gold?

More particularly, what are the potential effects on the District's ability to afford to continue to serve its core market comprised of Sausalito and southern Marin County residents who depend on the District's daily, year-round service that may result from the introduction of service by a new operator during the peak summer months only?

2. On the presumption that the Interim Decision intends to authorize Red and White to use the existing Sausalito ferry terminal and associated facilities owned by the District, given the physical constraints of those facilities already shared by two ferry operators, would it be operationally feasible and would it be safe to accommodate use by Red and White at the times and in the manner it has proposed in its Application to the PUC?
3. Would service by Red and White to Sausalito at the times it has proposed potentially jeopardize the ability of the District to maintain service consistently in accordance with its published schedules and upon which its customers rely?
4. Is the Red and White proposed supplemental ferry service even necessary at this time to meet the purposes stated in its Application, namely, to serve bicyclists traveling to and from Sausalito and to relieve bicycle congestion in Sausalito?

The District well recognizes in this regard, that the City of Sausalito, in conjunction with the District, Blue and Gold, and various bicycle rental companies, has devoted considerable attention over a period of many months to address the issue of bicycle congestion during the summer tourism season. Through this collaborative effort, a number of significant actions have been initiated, including (a) installation of 250 bicycle racks in various locations by the City, (b) development of information systems by the City, including signage, to guide bicyclists, (c) implementation of one supplemental ferry schedule by both the District and Blue and Gold during summer peak periods to handle peak loads, and (d) the hiring by the bicycle companies of a bicycle coordinator stationed in Sausalito to take reservations from bicyclists for their return trips to San Francisco and to otherwise guide them in ways designed to ease congestion.

In short, the City has addressed a localized issue in a thoughtful and meaningful way. In the District's view, the anticipated success of these well conceived measures should be fully assessed based on actual experience this summer before the PUC intercedes by authorizing supplemental ferry service by a new operator.

Despite this wide array of key issues, resolution of which is essential to the question of whether public convenience and necessity supports a finding of need for supplemental ferry service of the kind proposed by Red and White, not a single evidentiary hearing has been conducted to date by the PUC to address any of them. The District consistently has requested that the PUC conduct a full evidentiary hearing of the very kind it did in 1982 prior to permitting Blue and Gold to serve the Sausalito market. The District has asserted that it not only is in the public interest

The Honorable Mayor Leone
June 17, 2009
Page 3

that hearings be held, but also that it has a legal entitlement to a hearing before its facilities can be commandeered by the PUC for use by a third party.

Interestingly in this regard, shortly before Commissioner Simon issued his Interim Decision on June 9, Administrative Law Judge Victor D. Ryerson, on June 2, 2009, issued a ruling setting a pre-hearing conference involving all of the parties for June 29, 2009. Judge Ryerson's ruling states that a procedural schedule to conclude this matter will be established at the June 29 pre-hearing conference.

Regrettably, Commissioner Simon's Interim Decision would have the effect of circumventing the orderly process pronounced by Administrative Law Judge Ryerson. Thus, if approved by the PUC, Commissioner Simon's Interim Decision will allow Red and White service to begin without any evidentiary record having been developed to justify it. No opportunities to present evidence on the key issues addressed in this letter, to cross examine witnesses or to allow careful deliberation by the PUC based upon a complete record, as is its usual custom, will have been provided.

The District believes such an outcome would be fundamentally unfair to the existing ferry operators serving Sausalito and to the citizens of Sausalito and southern Marin County who rely on those services.

For these reasons, the District respectfully urges your Council to join with us by requesting the PUC instead to defer any action until a full evidentiary hearing process is carried out.

On behalf of my colleagues, I thank you for your consideration of this request.

Sincerely,



Albert J. Borop
President, Board of Directors
Golden Gate Bridge, Highway and Transportation District

Enclosure

6A
3

**PUBLIC UTILITIES COMMISSION**505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298**FILED**
06-09-09
01:35 PM

June 9, 2009

Agenda ID #8619
Ratesetting

TO PARTIES OF RECORD IN APPLICATION 09-01-016 AND CASE 09-03-019

This is the proposed decision of Commissioner Timothy Alan Simon. It will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the proposed decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the proposed decision as provided in Article 14 of the Commission's Rules of Practice and Procedure (Rules), accessible on the Commission's website at www.cpuc.ca.gov. Pursuant to Rule 14.3, opening comments shall not exceed 15 pages.

Comments must be filed either electronically pursuant to Resolution ALJ-188 or with the Commission's Docket Office. Comments should be served on parties to this proceeding in accordance with Rules 1.9 and 1.10. Electronic and hard copies of comments should be sent to ALJ Ryerson at vdr@cpuc.ca.gov and Commissioner Simon's advisor Robert Mason at rsm@cpuc.ca.gov. The current service list for this proceeding is available on the Commission's website at www.cpuc.ca.gov.

/s/ KAREN V. CLOPTONKaren V. Clopton, Chief
Administrative Law Judge

KVC:sid

Attachment

6A
5

Decision PROPOSED DECISION OF COMMISSIONER SIMON
(Mailed 6/9/2009)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Red & White Ferries, Inc. for a Certificate of Public Convenience and Necessity to Establish and Operate Scheduled Vessel Common Carrier Service between Sausalito on the one hand and Fisherman's Wharf Ferry Terminal Pier 43½ on the other hand and to establish a Zone of Rate Freedom.

Application 09-01-016
(Filed January 27, 2009)

Red & White Ferries, Inc.,

Complainant,

vs.

The Golden Gate Bridge, Highway and Transportation District, a California Special District,

Defendant.

Case 09-03-019
(Filed March 20, 2009;
Consolidated by Order
dated May 13, 2009)

**INTERIM DECISION GRANTING RED & WHITE FERRIES, INC.
INTERIM OPERATING AUTHORITY TO CONDUCT
SCHEDULED SERVICE BETWEEN
FISHERMAN'S WHARF AND SAUSALITO**

6A
7

**INTERIM DECISION GRANTING RED & WHITE FERRIES, INC.
INTERIM OPERATING AUTHORITY TO CONDUCT
SCHEDULED SERVICE BETWEEN
FISHERMAN'S WHARF AND SAUSALITO**

1. Summary

For the reasons that follow, the Commission grants the request by Red & White Ferries, Inc. ("Red & White")¹ for interim operating authority to establish and operate scheduled vessel common carrier service between Sausalito, on the one hand, and Fisherman's Wharf Ferry Terminal pier 43 ½, on the other hand. The separate request for a permanent Certificate of Public Convenience and Necessity pursuant to Section 1007 of the Public Utilities Code to establish and operate scheduled vessel common carrier service, as well as the relief request by the consolidated complaint, will be dealt with in accordance with the schedule set forth in the Administrative Law Judge's Ruling Setting Prehearing Conference and Establishing Requirements for Parties, dated June 2, 2009.

2. Introduction

2.1. The Application of Red & White

On January 27, 2009, Applicant Red & White filed the instant Application pursuant to Section 1007 of the California Public Utilities Code for a Certificate of Public Convenience and Necessity (CPCN) to establish and operate scheduled vessel common carrier service between The City of Sausalito (Sausalito), on the one hand, and Fisherman's Wharf Ferry Terminal, Pier 43½, in the City and

¹ Red & White Ferries currently provides non-common carrier vessel services on San Francisco Bay and is registered with the Commission with the registration number VCC0000081. http://docs.cpuc.ca.gov/tmis/det_VCC0000081.htm. Applicant has also

Footnote continued on next page

County of San Francisco (Fisherman's Wharf), on the other hand. As part of its Application, Applicant seeks interim authority to provide three daily round trips from Fisherman's Wharf to Sausalito and back during the summer tourism season that essentially lasts from Memorial Day weekend through Labor Day weekend. Applicant intends to utilize existing docking facilities, with proposed departures from Fisherman's Wharf at 9:30 a.m., 12:20 p.m., and 5:20 p.m. for the 30-minute trip to Sausalito.

Two entities that currently provide vessel common carrier service between Sausalito and points in San Francisco, including Fisherman's Wharf adjacent to Applicant's dock, have filed protests to the application, and both oppose Applicant's request for interim authority. (*See* Protest of Blue & Gold Fleet, L.P. (Blue & Gold) (VCC-77), filed February 24, 2009; Protest of Golden Gate Bridge, Highway and Transportation District, filed February 25, 2009.) In light of the protests, the Application was reassigned on March 5, 2009 from Examiner Clark to Commissioner Timothy Alan Simon and Administrative Law Judge Victor D. Ryerson.

One of the protestors, the Golden Gate Bridge, Highway and Transportation District, controls the only ferryboat docking facility in Sausalito, and on March 16, 2009, sent a letter addressed to Thomas C. Escher of Red and White Fleet terminating the permit for occasional use of district docking facilities that had been entered into on July 24, 1997.

provided the Commission with a true and correct copy of Applicant's Articles of Incorporation. (*See* A.97-02-042.)

2.2. The Complaint of Red & White

Following receipt of the termination notice, on March 20, 2009, Red & White filed a Complaint Requesting Determination of "reasonable Compensation and Reasonable Terms and Conditions" for use of Ferry Dock in Sausalito pursuant to Rule 4.1 of the Commission's Rules of Practice and Procedure and Section 562 of the Public Utilities Code.

2.3. Request for Additional Information Regarding Potential Environmental Impact

On May 13, 2009, the Administrative Law Judge issued his Ruling on Pending Motions and Administrative Matters. As part of the ruling, Red & White Ferries was instructed, within 10 days of the date of ALJ Administrative Ruling, to file an amendment to the Application to satisfy the requirements of the California Environmental Quality Act (CEQA). (ALJ Administrative Ruling, Ordering Paragraph 3 at 6.) Specifically, the ALJ Administrative Ruling requested a full Proponent's Environmental Assessment (PEA) or an explanation that the Application is statutorily or categorically exempt from CEQA requirements. (*Id.*). The parties were also encouraged to try and resolve the issues related to Red & White's request for Interim Relief following the progress made at the All-Party Meeting.

On May 21, 2009, Applicant filed the requested Amendment to the Application, asserting that there is no possibility that the proposed service will have a significant effect on the environment, and that the Applicant's proposed service is exempt from CEQA.

On June 2, 2009, Blue & Gold filed its Protest to the Amendment to the Application, and argued that the Applicant did not establish that its Application was statutorily or categorically exempt from CEQA requirements, the Amendment to the Application does not comply with the requirements for an

adequate PEA, and that the decisions cited in the Amendment do not justify avoidance of full compliance with CEQA.

To date, the parties have not been able to reach an informal resolution regarding Red & White's request for Interim Relief.

3. Discussion

3.1. Standard for Resolving Request for Interim Authority

The Application was made pursuant to Section 1007 of the Commission, which provides as follows:

"No corporation or person shall begin to operate or cause to be operated any vessel for the transportation of persons or property, for compensation, between points in this states, without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required as to termini between which any such corporation or person is lawfully operating vessels in good faith under this part as it existed prior to August 17, 1923, under tariffs and schedules of such corporations or persons, lawfully on file with the commission. Every applicant for such a certificate shall file in the office of the commission application and evidence in the form required by the commission. The commission may, with or without hearing, issue the certificate as prayed for, or refuse to issue it, or issue it for the partial exercise only of the privilege sought, or issue it for operation between certain points only, and may attach to the exercise of the rights granted by the certificate such terms and conditions as, in its judgment, the public convenience and necessity require."

In deciding to issue a permanent CPCN, this Commission generally favors competition in the market for vessel common carriers, looks to see if it is in the public interest to add an additional carrier to an existing market, and whether the applicant is qualified and fit to serve the public. (*See Application of Harbor Breeze Corp. for authority to operate as a vessel common carrier in*

*nonscheduled/on-call passenger ferry service between Long Beach, California and all points and places on Santa Catalina Island, and between all points and places at and between Long Beach and San Pedro, California; and to establish a Zone of Rate Freedom [D.07-06-026] (June 21, 2007) at 2-3.)*²

But in first determining the request for a grant of interim authority, we weigh the benefits of granting the interim relief versus the potential harm to the public interest. (*See In re Island Boat Service* [D.97-06-012]; *Scenic Highway Tours*, [90-03-040] 35 CPUC2d 663 (March 14, 1990) [Order extending the interim operating authority of a charter-party passenger carrier pending resolution of safety and permit renewal issues]; *In the Matter of the Application of Catalina Red & White Cruises, Inc., a California corporation for a certificate of public convenience and necessity to operate as a vessel common carrier between Long Beach and Los Angeles (San Pedro), California on the one hand and all points and places on Santa Catalina Island on the other hand, and between all points and places at and within three miles of Santa Catalina Island; request for interim operating authority.* [A.01-02-026] (2001) at 7.) Interim relief has been granted by this Commission even if there are outstanding issues raised by a protester and an evidentiary hearing has not yet been held. (*See In the Matter of the Application of Catalina Red & White Cruises, Inc., supra* at 7.)

We decline to adopt the stricter legal standard advocated by the protestors as we believe that the standard was not intended to apply to the vessel common carrier situation such as the one filed by Red & White Ferries. Blue and Gold cites

² We note in its Application, Red & White attaches as Exhibit C a balance sheet and profit and loss statement which, it contends, shows that it has the requisite financial resources to operate the proposed service. (Application at 8.)

the following language from *Citizens Utilities Co.*, 72 CPUC 181, 1771 Cal PUC LEXIS 622 (1971):

"The Commission has held that interim rate relief is an extraordinary remedy justified only if the utility faces a financial emergency. Such an emergency exists if the minimum financial obligations, such as current payroll or interests payments, cannot be met (*Pacific Electric Railway* (1942), 44 C.R.C. 885, 886; *Coast Counties Gas & Electric Co.* (1951) 50 Cal. P.U.C. 580, 586; *Citizens Utilities Co.* (1957) 55 Cal. P.U.C. 628, 630; *San Diego Gas & Electric Co.* (1961) 58 Cal. P.U.C. 684, 685)." 184.

But *Citizens* and the cases cited therein did not involve the request of a scheduled vessel common carrier and, accordingly, we do not believe that such an enhanced standard should be applied to the instant Application's request for Interim Relief.

3.2. The Benefits of Granting Interim Relief

Red & White asserts that there has been an increased interest by the public in bicycle rental services for patrons who wish to cycle to or from Sausalito, as well as a corresponding "build-up of stranded cyclists who are waiting for a means to return to their point of origin." (Application at 8.) The proposed interim relief would address "that current shortage in the pool of vessels available to serve those riders." (*Id.*)

Red & White also asserts that there will be an environmental benefit by the promotion of "an alternative to rental car, limousine or other for-hire transportation between the Fisherman's Wharf area (and the surrounding hotels) and Sausalito." (Application at 10.) Visitors to the Bay Area who do not have the desire or physical means to ride a bicycle would have access to additional ferry service if they wished to travel to or from the Sausalito area.

While Protestors dispute these assertions, we find that Red & White's showing is sufficient for purposes of granting the request for Interim Relief. The issue can certainly be revisited after the end of the trial service run via the evidentiary hearings regarding the request for a permanent CPCN, and the CEQA record and attendant issues can be fully developed and analyzed at that time.

3.3. The Potential Harm to the Public Interest

Red & White asserts that granting Interim Relief will pose little, if any, risk to the public interest, reasoning that the vessels have already been certified by the United States Coast Guard and "have been previously used for vessel service on the bay. The vessels will be operated by experienced captains and crew." (Application at 11.) Also, given that the service is designed to make travel easier to Sausalito and is designed to reduce congestion caused by bicycle travel, we do not see that the public interest will be harmed by granting the request for Interim Relief.

3.4. Will the Service Have a Significant Effect on the Environment?

First, Red & White argues that their service will not have a significant adverse effect on the environment as it will be utilizing vessels "already operating on the San Francisco Bay and thus, new sources will not be introduced in the environment." (Amendment at 3.) Red & White further argues that the facts in the instant Application are similar to those in *Star & Crescent Boat Company*, D.87-02-011, A.86-09-037 (Feb. 11, 1987) wherein this Commission granted a CPCN authorizing Star & Crescent Boat to provide common carrier service by vessel between San Diego and Coronado.

Second, Red & White claims that since it will employ existing facilities located in San Francisco and Sausalito, it does not propose to construct any new

docking or loading facilities for the new service, and no sensitive habitats will be disturbed. (Amendment at 4.) As such, it believes the Commission's decision in *Star & Crescent* is dispositive of the environmental effect concern.

Third, as to the impact of increased bicycle congestion in Sausalito, Red & White asserts that its Application is designed to reduce the congestion by adding ferry capacity which will assist cyclists transport their bicycles to where they were rented. (Amendment at 7; see also Applicant's Response to the Protests [March 12, 2009] at 12-15.)

Fourth, with respect to energy concerns, Red & White states that the four vessels it intends to use already utilize 20% biodiesel fuel in its fuel mix and "were re-powered with new marine diesels, which produce between 33%-50% less emissions than the original engines." (Amendment at 5.) Further, Red & White notes that this Commission has recognized in the past that Applicant's "ferry service offerings provide an efficient and environmentally responsible transportation alternative." (Amendment p. 5, citing to *Red & White Ferries, Inc.*, [D.00-05-011, A.00-03-025] (May 4, 2000).)

Blue & Gold disputes Red & White's factual assertions, believes that the law cited is distinguishable, and requests that the Commission deny the request for any relief based on the record developed to date. (See Blue & Gold's Protest to Amendment (June 2, 2009), *passim*.) We believe that Red & White has made a sufficient showing for purposes of obtaining the Interim Relief. We will, however, require Red & White to track its energy usage and fuel output, airborne pollutant emissions, and number of patrons who utilize their summer service so that these issues can be fully fleshed out at subsequent evidentiary hearings.

3.5. Is the Applicant's Proposed Service Exempt from CEQA?

In *Island Express, Inc.*, [D.85-07-128] (July 24, 1985), the Commission recognized that if providing transportation over "existing highways or the waterways of this State" will not involve any significant construction activity, there can be an exemption from the requirements of CEQA and no further environmental review is required. Red & White asserts that the instant Application is similar to the factual pattern in *Island Express* because its "proposed service will not involve any significant construction activity." (Amendment at 8.) Additionally, Red & White points to the fact that there are other entities, namely Blue & Gold and Golden Gate Ferry Service, who both provide San Francisco to Sausalito transport, and this fact evidences that the proposed project "cannot have significant adverse effects on the environment." (Amendment at 8.)

Again, Blue & Gold disputes Red & White's assertions and the law upon which it bases its arguments with the following exception: it does not dispute Red & White's argument that there is no proposed construction of any new docking or loading facilities. Instead, Blue & Gold states that this is an issue that should be addressed in the PEA. (Blue & Gold's Protest to Amendment at 10.) For purposes of determining the request for Interim Relief, we believe that the factual representations are sufficient to warrant granting Red & White's request.

4. Comments on Proposed Decision

The proposed decision of Commissioner Timothy Alan Simon in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed by _____, and reply comments were filed by _____.

5. Assignment of Proceeding

Timothy Alan Simon is the assigned Commissioner and Victor D. Ryerson is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. Applicant currently provides various forms of non-common carrier vessel services on San Francisco Bay and is registered with the Commission.
2. Applicant has provided the Commission with a true and correct copy of Applicant's Articles of Incorporation, certified by the California Secretary of State.
3. Applicant proposes to initially operate three daily round trips from Fisherman's Wharf to Sausalito and back.
4. The proposed service for which Interim Relief has been requested will begin this Summer upon the approval of the Commission and will end after Labor Day
5. Applicant expects tours to depart Fisherman's Wharf in the morning, afternoon, and early evening for the 30-minute trip to Sausalito.
6. The boat would remain in Sausalito for about 10 minutes before returning to Fisherman's Wharf.
7. Applicant proposes ferry service utilizing vessels already operating on the San Francisco Bay—Harbor King, Harbor Queen, Harbor Princess, and Royal Prince.
8. Applicant proposes to utilize existing facilities located in San Francisco and Sausalito and does not intend to propose construction of any new docking or loading facilities.
9. There are no sensitive habitats that will be disturbed by Applicant's service.

Conclusions of Law

1. Applicant has demonstrated competence to handle the scheduled service to Sausalito on an interim basis.
2. Weighing the benefits of granting the Interim Relief versus the potential harm to the public interest favors Red & White's request.
3. Granting Interim Relief will not have a significant impact on the environment.

INTERIM ORDER

IT IS ORDERED that:

1. Red & White Ferries, Inc.'s request for Interim Relief to provide scheduled vessel common carrier service between the city of Sausalito, on the one hand, and Fisherman's Wharf, on the other hand, is granted. The period for this Interim Relief shall commence upon the adoption of this Order and shall terminate September 8, 2009, the day after Labor Day weekend.
2. Red & White Ferries, Inc. will be allowed three departures daily from Fisherman's Wharf for the 30-minute trip to Sausalito while the Interim Relief period is in effect.
3. During the period for Interim Relief, Red & White Ferries, Inc. shall offer a fare of \$9.50 (adult) and \$5.25 (youth), as proposed and shall file a tariff in accordance with General Order 117-A.
4. Red & White Ferries, Inc. shall comply with General Orders Series 87, 104, 111, and 117.
5. Red & White Ferries, Inc. shall comply with all the rules, regulations, and requirements of the United States Coast Guard, including applicable Vessel Traffic System requirements in the operation of the service between Fisherman's Wharf and Sausalito.

6. Red & White Ferries, Inc. shall track its energy usage, fuel output, airborne pollutant emissions, and number of patrons who utilize the service during the period the Interim Relief is in effect, and shall make this information available to the Commission and the parties on a date and time to be decided by the Administrative Law Judge and the assigned Commissioner.

This order is effective today.

Dated _____, at San Francisco, California.

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a Notice of Availability of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the Notice of Availability of the filed document is current as of today's date.

Dated June 9, 2009, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

***** SERVICE LIST *****

Last Updated on 09-JUN-2009 by: JP4

A0901016 LIST

C0903019

***** PARTIES *****

Thomas J. Macbride, Jr.
Attorney At Law
GOODIN MACBRIDE SQUERI DAY & LAMPREY LLP
505 SANSOME STREET, SUITE 900
SAN FRANCISCO CA 94111
(415) 392-7900
tmacbride@goodinmacbride.com
For: Attorney for Red & White Ferries, Inc.

William D. Taylor
Attorney At Law
HANSON BRIDGETT LLP
980 - 9TH STREET, SUITE 1500
SACRAMENTO CA 95814
(916) 442-3333
wtaylor@hansonbridgett.com
For: Golden Gate Bridge, Highway and Transportation

Daniel F. Reidy, Esq.
Attorney At Law
LAW OFFICES OF DANIEL F. REIDY
3701 SACRAMENTO STREET, NO. 386
SAN FRANCISCO CA 94118-1705
(415) 750-4210
dfreidy@pacbell.net
For: Attorney for Blue & Gold Fleet

***** STATE EMPLOYEE *****

Gregg Bragg
CALIFORNIA HIGHWAY PATROL
PO BOX 942898
SACRAMENTO CA 94289-0001

Suong T. Le
Consumer Protection & Safety Division
AREA 2-C
505 VAN NESS AVE
San Francisco CA 94102 3298
(415) 703-1216
stl@cpuc.ca.gov

Victor D. Ryerson
Administrative Law Judge Division
RM. 5044
505 VAN NESS AVE
San Francisco CA 94102 3298
(415) 355-5567
vdr@cpuc.ca.gov

Paul Wuerstle 3
Consumer Protection & Safety Division
RM. 2107
505 VAN NESS AVE
San Francisco CA 94102 3298
(415) 703-2183
pwu@cpuc.ca.gov

***** INFORMATION ONLY *****

Taylor Safford
BLUE & GOLD FLEET, L.P.
100 NORTH POINT STREET, SUITE 145
SAN FRANCISCO CA 94133
(415) 705-8200
taylor@blueandgoldfleet.com

James Swindler
Deputy General Manager-Ferry Div.
GOLDEN GATE FERRY
101 EAST SIR FRANCIS DRAKE BOULEVARD
LARKSPUR CA 94939-1899
For: Golden Gate Ferry

David J. Miller
HANSON BRIDGETT LLP
425 MARKET STREET, 26TH FLOOR
SAN FRANCISCO CA 94105
(415) 777-3200
dmiller@hansonbridgett.com
For: GG Bridge, Highway and Transportation

Thomas C. Escher
President & General Manager
RED & WHITE FERRIES, INC.
PIER 43 1/2
SAN FRANCISCO CA 94133
(415) 901-5249