



**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

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Application of Blue & Gold Fleet, L.P. )  
(VCC-77), For Authorization to Adjust )  
Fares on Its Vessel Common Carrier )  
Service on San Francisco Bay Between )  
Tiburon on the One Hand and Authorized )  
Points in San Francisco on the Other Hand )  
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Application No. 15-08-009  
(Filed August 10, 2015)

**JOINT PREHEARING CONFERENCE STATEMENT  
FOR PREHEARING CONFERENCE SET FOR MARCH 29, 2016**

Date: March 23, 2016

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**JOINT PREHEARING CONFERENCE STATEMENT  
FOR PREHEARING CONFERENCE SET FOR MARCH 29, 2016**

The attorneys for the Protestant and the other parties in this Proceeding hereby make this Joint Prehearing Conference Statement in response to the Notice of Prehearing Conference issued on January 20, 2016 by the Chief Administrative Law Judge that set a Prehearing Conference in the above-entitled matter before Administrative Law Judge Adeniyi A. Ayoade for March 29, 2016 at 9:30 a.m., in the Commission’s Courtroom in the State Office Building, 505 Van Ness Avenue, San Francisco, California. In this Prehearing Conference Statement, attorneys for the parties hereby jointly reaffirm or include updates on matters and information contained in the Joint Prehearing Conference Statement made on December 10, 2016 by the attorneys for all of the parties in this proceeding:

**1. Identification of the specific factual and legal issues that the Commission needs to decide in this case.**

(a). **Scope of Authorization Requested of the Commission.** Attorneys for the parties hereby jointly reaffirm the recommendation of the parties stated in the December 10, 2016 Joint Prehearing Conference Statement that the description of the scope of the Applicant’s requested authorizations stated in the **Background** section of the November 16,

2015 Ruling on pages 1 and 2 should be revised to clarify that Blue & Gold Fleet is requesting authorization to adjust passenger fares on its vessel common carrier service on San Francisco Bay between Tiburon and San Francisco by deleting the Commuters (20 tickets) line item, conditioned upon and effective only upon the assumption of the commuter hours service on its Tiburon/SF Service by the Golden Gate Bridge Highway and Transportation District (the “Golden Gate Bridge District” hereinafter). Commuter hours service is not a specific authorization or requirement in Blue & Gold Fleet’s Certificate of Public Convenience and Necessity, and Blue & Gold Fleet is not requesting authorization from the Commission to relinquish its commuter hours service on its Tiburon/SF Service to the Golden Gate Bridge District.

(b). **The Decision-Making Process of The Golden Gate Bridge Highway and Transportation District is a Critical Factor for Scheduling in this Proceeding.** Attorneys for the parties hereby jointly reaffirm the acknowledgment and agreement of the parties stated in the December 10, 2016 Joint Prehearing Conference Statement that the Commission does not have jurisdiction over the Golden Gate Bridge District and its transportation programs. According to the Status Update of the Golden Gate Bridge District submitted for filing in this Proceeding on March 8, 2016, the Board of Directors of the Golden Gate Bridge District on February 26, 2016 approved actions relative to assuming Blue & Gold Fleet’s commuter passenger service between Tiburon and San Francisco, but the commencement of such service was contingent upon the completion of a listed number of items. The District’s decision-making process and schedule have implications for the schedule of this Commission Proceeding, as addressed in more detail in Item No. 6 below.

2. **Whether and what material facts are undisputed.**

Attorneys for the parties hereby jointly reaffirm the agreement of the parties stated in the December 10, 2016 Joint Prehearing Conference Statement that no material facts are in dispute.

3. **Whether any discovery is needed and the anticipated date such discovery must be completed.**

Attorneys for the parties hereby jointly reaffirm the agreement of the parties stated in the December 10, 2016 Joint Prehearing Conference Statement that no discovery is needed in this Proceeding.

4. **Whether evidentiary hearings are needed and, if so, the estimated time/days required for hearing, and the number of potential witnesses that each side intends to call at the hearing.**

Attorneys for the parties hereby jointly reaffirm the agreement of the parties stated in the December 10, 2016 Joint Prehearing Conference Statement that no evidentiary hearings are needed in this Proceeding.

5. **Whether public participation hearings are appropriate.**

Public consumers interested in the outcome of this Proceeding had an opportunity to express their concerns at the Public Hearing that the Golden Gate Bridge District Board of Directors held in Tiburon at the Tiburon Public Library on the evening of January 21, 2016 to receive public comment on potential changes to the Golden Gate Bridge District's Transit Service on the Tiburon Peninsula, including the assumption of the Tiburon commuter hours passenger ferry service, and in response to public notices of the proposal and invitations to the public to make comments by way of newspaper advertisements, posters placed on buses and at the ferry terminals, social media postings on Facebook and Twitter, and by email to

customers and community-based organizations within the District's service area. As stated in the Status Update presented for filing herein by the Golden Gate Bridge District on March 8, 2016, twenty-two (22) ferry-related comments were received by the Golden Gate Bridge District, of which seventeen (17) comments were in support of the proposed assumption of the commuter hours passenger ferry service by the District, no comments were in opposition, and five (5) comments expressed neither support nor opposition. Given the extent of public participation already furnished by the Golden Gate Bridge District's decision-making process, the approval of the Board of Directors of the Golden Gate Bridge District to move forward with actions relative to assuming the commuter hours passenger ferry service, and the fact that the Golden Gate Bridge District's planned program would not involve significantly less convenient or affordable arrangements for the commuter passengers, the attorneys for the parties herein jointly recommend that it would not be necessary for the Commission to hold its own Public Participation Hearing in Tiburon.

**6. A proposed schedule for this case, including dates for completing discovery, filing prepared written testimony, for hearings, and the filing of briefs.**

The attorneys for the parties hereby jointly recommend that the Commission continue this matter without setting a schedule for subsequent stages of the Proceeding at this time and instead set another Prehearing Conference in mid-July. According to the Status Update of the Golden Gate Bridge District presented for filing in this Proceeding on March 8, 2016, the Board of Directors of the Golden Gate Bridge District on February 26, 2016 specified six items that needed to be completed prior to the District assuming Blue & Gold Fleet's commuter passenger service between Tiburon and San Francisco. Progress has been made on negotiating a sublease for use of the float for vessel docking and on repairing the float.

Additional efforts need to be made to finish required improvements at the Tiburon docking area and to resolve labor protection matters pertaining to Blue & Gold personnel in a manner satisfactory to the District. One of the pre-requirements was the return of the District's MV Mendocino Ferry to revenue service, which is anticipated in June 2016. By mid-July, it is likely that sufficient progress would have been made on the pre-conditions set by the Golden Gate Bridge District's Board for the parties to report to the Administrative Law Judge whether the Protests will be dismissed or whether in the alternative the Protestants desire that the Commission set dates for prepared written testimony, evidentiary hearings, and the filing of briefs in this Proceeding.

Respectfully submitted this 23rd day of March, 2016.

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