

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



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Application of Blue & Gold Fleet, L.P. a Delaware
Limited Partnership (VCC-77), For Authorization
to Discontinue Scheduled Passenger Transport
Service Between San Francisco and Tiburon

Application No. A-20-09-005
(Filed September 10, 2020)

MOTION OF THE TOWN OF TIBURON FOR PARTY STATUS

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[January 13, 2021]

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Pursuant to Rule 1.4 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), the Town of Tiburon (“Town”) respectfully moves for party status in the above captioned proceeding.

I. Description of Town

The Town of Tiburon is a municipal corporation located and incorporated within the County of Marin. The Town is governed by a Town Council of five Councilmembers including an appointed Mayor. The Tiburon Ferry Terminal to which Blue and Gold Fleet, L.P. (hereinafter “Blue and Gold”) seeks to terminate passenger ferry service, is located within the Town of Tiburon. Therefore, the Town has a material interest in changes to and termination of ferry service to the Tiburon Ferry Terminal as those issues will impact visitor trips, small business success and wellbeing, traffic, and congestion within the Town of Tiburon.

II. Statement of Factual and Legal Contentions Pertinent to the Issues Presented

In the instant proceeding, Blue and Gold seeks authorization for a complete discontinuation of scheduled passenger ferry service between San Francisco and Tiburon. Among the reasons Blue and Gold cites for the requested discontinuation of service are that its, “operating expenses have been greater

than the operating revenues for the last several years” and it anticipates, “going forward, operating costs would continue to rise, operating revenues would continue to decline, and the Applicant would experience increasingly significant operating losses on its Tiburon service.” (Application, par. 7, 10.) Blue and Gold further asserts that “granting of this Application will clearly have no significant adverse impact upon the quality of the environment.” (Application, par. 15.)

While the Town’s review of Blue and Gold’s Application is still ongoing and may lead to other matters which the Town identifies as having an interest in, at this time, the Town has a material interest in this matter and seeks party status for the following reasons:

1. The Town seeks further information and analysis regarding Blue and Gold’s ability, willingness, and efforts to date in decreasing expenses and increasing revenue. Specifically, the Town expects to question why Blue and Gold did not give the Town or San Francisco the opportunity to explore options for providing subsidies to Blue and Gold so as to allow it to continue operating with net revenues. The Town also expects to question whether Blue and Gold has given other local jurisdictions, including the County of Marin, and any private entities, the same opportunity.

2. The Town seeks further information and analysis regarding Blue and Gold’s contentions that discontinuation of service will have no impact on the environment. Specifically, the Town expects to question:

a. Whether traffic, congestion and vehicle miles traveled studies were conducted, what the results and analyses of these studies established, and whether and to what extent these studies informed Blue and Gold’s conclusion that there is no potential for environmental impact if its Application is granted.

b. Whether Blue and Gold collected traffic data for a recent representative period, showing numbers of interstate and intrastate passengers (by classification if more than one type

of ticket is sold) destined to and originating from San Francisco and Tiburon. (See CPUC Rules of Practice and Procedure (CCR Tit. 20, Div. 1, Ch. 1), Rule 3.4(e).)

c. Whether Blue and Gold calculated the annual interstate and intrastate passenger, express, and other revenues which accrue as a result of the service to be abandoned, along with an explanation of how the revenues were calculated and any assumptions underlying the calculations. (See Rule 3.4(g).)

d. Whether Blue and Gold calculated route miles, annual bus miles, and schedule operating times to be eliminated for each point, route, or route segment to be abandoned. (Rule 3.4(h).)

For the reasons set forth herein, the Commission's disposition of this proceeding will materially impact the interests of the Town, including residents and governmental officials of the Town.

III. Pending Motion Requesting Permission to Late File Protest

Pursuant to CPUC Rule 1.4(a)(4), the Town files this Motion for Party Status in order for its Motion Requesting Permission to Late File Protest (which was previously filed on December 22, 2020) to be considered. The Town seeks to maintain its Motion Requesting Permission to Late File Protest on file, even though the Town did not file a Motion for Party Status prior to filing said Motion Requesting Permission to Late File Protest. The Town hopes the instant Motion and Motion Requesting Permission to Late File Protest will be ruled upon simultaneously so that the Town may proceed with filing a Protest to Blue and Gold's Application based on its material interests described above.

On January 12, 2021, the Town emailed Blue and Gold's counsel of record, Mr. Reidy, and requested that he and his client grant the Town's request for extension of time to file a Protest to Blue and Gold's Application, pursuant to CPUC Rule 11.6. As of the date and time of the filing of this Motion, the Town has received no response from Mr. Reidy.

IV. Communications

The Town consents to “email only” service and requests that the following individuals be added to the service list for Application A-20-09-2005 on behalf of the Town of Tiburon as Party Representative:

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V. Conclusion

For the foregoing reasons, the Town respectfully requests that the Commission grant the Town’s motion for party status.

Dated: January 13, 2021

Respectfully submitted,

/s/ Benjamin L. Stock
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