Petitions and Communications received from March 17, 2009 through March 23, 2009 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on March 31, 2009. File 090398

From Library Commission, submitting resolution urging the Board of Supervisors not to submit proposed ballot measure that would amend the Charter to set a dollar cap on the Library Preservation Fund set-aside. Copy: Each Supervisor, Rules Clerk (1)

From Library Commission, submitting resolution urging the Board of Supervisors, to authorize the Library Commission to establish a two-week fee amnesty program in 2009 for overdue library materials. Copy: Each Supervisor, Rules Clerk (2)

From Planning Department, submitting notice soliciting community leaders to participate in developing the City's plan for housing. Copy: Each Supervisor (3)

From Arthur Evans, commenting on the Board of Supervisors suspending their own rules to pass a resolution to replace U.S. Attorney for Northern California, Joseph Russoniello. (4)

From Ozumo Restaurant, submitting support for the proposed development of the 110 Embarcadero Project. File 090159, Copy: Each Supervisor (5)

From S.F. Tomorrow, submitting opposition to the proposed development of the 110 Embarcadero Project. File 090159 (6)

From concerned citizens, submitting support for restoring Sharp Park. File 090329, Approximately 30 letters (7)

From concerned citizens, urging the Recreation and Park Commission not to layoff Carli Fullerton, the director of the Golden Gate Park Senior Community Center. 5 letters (8)

From Sue Cauthen, regarding the Board of Supervisors Library Citizens Advisory Committee. (9)

From Clerk of the Board, submitting notice that the following individuals have submitted a Form 700 Statement of Economic Interests: (10)
Ohn Myint (COB-Annual)
Michael Bell (LAFCo-Annual)
Douglas Comstock (SOTF-Leaving)
Debra Newman (Budget Analyst-Annual)
Chris Daly (Supervisor-Annual)
Erasmo Vazquez (COB-Annual)

From D. Miles Jr., suggesting roller-skating and inline skating as a physical fitness tool to get youth in shape at public schools and recreation centers. (11)

From Upper Noe Neighbors, submitting support for the 30th Street Senior Center's meals program. Copy: Each Supervisor (12)

From Shirley Stucky, urging the Board of Supervisors not to elimate the 3 Jackson bus line. (13)

From Lighthouse for the Blind and Visually Impaired, notifying the Board that a Board of Directors meeting of the Lighthouse for the Blind and Visually Impaired will meet on April 23, 2009 at 214 Van Ness Avenue. (14)

From Rick Phipps, submitting support for a variance by the Alternative to Meds Center at 827 Guerrero Street. (15)

From Fire Department, submitting notice of a fire and life safety inspection at San Bruno Jail #5 west & east, per the mandate of Section 13146.1, California Health and Safety Code. (16)

From concerned citizens, submitting opposition to the proposed closure of Park Branch Library. 2 letters (17)

From Equitable Quality Universal Affordable Health, submitting support for strengthening and expanding existing public health programs as the building block to achieving health reform that control costs and improves the public's health. File 090291 (18)

From Douglas Millar, regarding various topics. (19)

From Francisco Da Costa, regarding students and youth impacted by San Francisco City politics. (20)

From Office of Citizen Complaints, submitting the 2007 Annual Statistical Report. (21)

From Office of Citizen Complaints, submitting the 2008 Annual Statistical Report. (22)

From Hanson Bridgett LLP, submitting motion to dismiss the application of Red and White Ferries, Inc. (23)

From Hanson Bridgett LLP, submitting motion to strike reply of applicant Red and White Ferries, Inc. (24)

From Hanson Bridgett LLP, submitting first amendment to protest of Golden Gate Bridge, Highway and Transportation District to Application No. No. A 0901016. (25)

From Hanson Bridgett LLP, submitting declaration of James Swindler in support of motion to dismiss application of Red and White Ferries, Inc. (26)

From Law Offices of Daniel Reidy and Hanson Bridgett LLP, submitting joint notice of Ex Parte Communication regarding Red and White Ferries. (27)

From Law Offices of Daniel Reidy, submitting joinder in motion of protestant Golden Gate Bridge, Highway and Transportation District to dismiss the application of Red and White Ferries, Inc. (28)

BOS-11
Rules Clerk
C-page

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 MAR 17 AM 11:29
BY

San Francisco Public Library Commission
100 Larkin Street, San Francisco, CA 94102-4733
Phone 415.557.4233, Fax 415.557.4240

March 13, 2009

Ms. Angela Calvillo
Clerk of the Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Ms. Calvillo,

Attached please find a copy of Library Commission Resolution No. 2009-01 urging the Board of Supervisors not to submit to the voters the proposed Charter amendment setting a dollar cap on all set-asides including the Library Preservation Fund, or, in the alternative to remove any reference to the Library Preservation Fund from the proposed measure. This Resolution was adopted by the Library Commission at its regular meeting of February 19, 2009.

Sincerely,

Sue Blackman
Commission Secretary

cc: Jewelle Gomez, President Library Commission
Luis Herrera, City Librarian

1

SAN FRANCISCO PUBLIC LIBRARY COMMISSION

RESOLUTION NO. 2009-01

RESOLUTION URGING BOARD OF SUPERVISORS NOT TO SUBMIT PROPOSED BALLOT MEASURE THAT WOULD AMEND THE CHARTER TO SET A DOLLAR CAP ON THE LIBRARY PRESERVATION FUND SET-ASIDE.

WHEREAS, In June 1994, the voters of the City and County of San Francisco adopted Proposition E, establishing the Library Preservation Fund ("LPF") codified in Charter Section 16.09, which requires the City to appropriate a portion of the General Fund and a small, dedicated share of the property tax to the San Francisco Public Library ("Library") each year; and

WHEREAS, The voters adopted the LPF in 1994 in order to protect the Library during difficult economic times from drastic cuts in book budgets and library service hours, and closure of neighborhood branch libraries; and

WHEREAS, The LPF was renewed for another fifteen years in 2007, when the Board of Supervisors voted 9 to 2 to place Proposition D on the ballot, and the voters adopted Proposition D by an overwhelming majority (74%) on November 6, 2007; and

WHEREAS, The LPF requires the City to operate the Main Library and 27 neighborhood libraries, and to maintain 1211 permanent service hours per week system wide; and

WHEREAS, In 2000, the voters passed a $105.9 million bond measure for the Branch Library Improvement Program ("BLIP"), which calls for the construction or renovation of neighborhood branch libraries Citywide to make them seismically safe, ADA accessible, technologically updated, and code compliant; and

WHEREAS, By ensuring consistent funding for the Library since 1994, the LPF has enabled the Library to increase the book and materials budget by over 400% from $1.9 million in fiscal year 1993-94 to $10.07 million in fiscal year 2008-09, and to increase service hours by 62%, with 12 libraries now open 7 days a week ; and

WHEREAS, The proposed Charter amendment would also compromise the Library's ability to complete the BLIP program, specifically the construction of the new Bayview, North Beach and Ortega neighborhood branch libraries, and the renovation of the Anza, Golden Gate Valley and Merced neighborhood branch libraries; and

WHEREAS, During the current economic downturn, the number of Library visits and materials circulated is significantly increasing, as San Francisco residents need information about jobs, career transition, and financial assistance, as well as access to free computers. In the past six months alone, Library use has increased 13% and the number of new library cards issued system wide has increased 28%; and

WHEREAS, The Library Commission recognizes that the City is facing a large budget shortfall but believes that it is particularly important to preserve Library services and hours during hard economic times, especially for the most vulnerable in our society who depend on our libraries such as children, seniors, the disabled, and the unemployed; and now, therefore, be it

RESOLVED, That because of the extraordinary importance of libraries to City residents and the detrimental impact the proposed measure would have on the Library's ability to provide services, the Library Commission urges the Board of Supervisors not to submit to the voters the proposed Charter amendment setting a dollar cap on all set-asides including the Library Preservation Fund, or, in the alternative, to remove any reference to the Library Preservation Fund from the proposed measure.

Approved on February 19, 2009, by a vote of 6-0.

AYES: Commissioners Chin, Del Portillo, Harris, Kane, Lee and Munson

Sue Blake

Commission Secretary

BOS-11
Rules Clerk
c page

San Francisco Public Library Commission
100 Larkin Street, San Francisco, CA 94102-4733
Phone 415.557.4233, Fax 415.557.4240

March 9, 2009

Ms. Angela Calvillo
Clerk of the Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Ms. Calvillo,

Attached please find a copy of Library Commission Resolution No. 2009-02 urging the Board of Supervisors to adopt the Resolution attached hereto, and should the Board adopt the Resolution or a resolution in substantially similar form, authorizes the City Librarian to take all steps necessary to establish a fee amnesty program for overdue Library materials for the two-week period of April 12 to 25, 2009 under the standards set forth in Section 8.21-3 of the Administrative Code. This Resolution was adopted by the Library Commission at its regular meeting of March 5, 2009.

Sincerely,

Sue Blackman
Commission Secretary

cc: Jewelle Gomez, President Library Commission
Luis Herrera, City Librarian

2

SAN FRANCISCO PUBLIC LIBRARY COMMISSION

RESOLUTION NO. 2009-02

RESOLUTION URGING BOARD OF SUPERVISORS TO ADOPT RESOLUTION AUTHORIZING LIBRARY COMMISSION TO ESTABLISH TWO-WEEK FEE AMNESTY PROGRAM IN 2009 FOR OVERDUE LIBRARY MATERIALS

WHEREAS, In 2001, the Board of Supervisors adopted Ordinance No. 64-01, adding Section 8.21-3 to the San Francisco Administrative Code, authorizing the Library Commission to establish a two-week Library fee amnesty program in 2001 excusing persons who return all overdue Library materials on their Library account from having to pay any late fees; and

WHEREAS, During the two-week amnesty period in 2001, approximately 5,400 overdue materials were returned to the Library, with a total value of approximately $100,000; and

WHEREAS, There has not been another Library fee amnesty period since 2001; and

WHEREAS, Amnesty programs for overdue Library materials give Library patrons the opportunity to return Library materials and thereby make them available to the public again. Moreover, Library patrons with a fine balance of over ten dollars are prevented from actively borrowing Library materials, and fee amnesty gives those patrons the opportunity to regain access to the Library's collections; and

WHEREAS, Amnesty programs for overdue Library materials are particularly important during difficult economic times when fines may pose an economic barrier to Library access for patrons who could benefit from Library resources; and

WHEREAS, The Library Commission finds that holding a fee amnesty program for overdue Library materials in April 2009 is likely to promote the return of needed Library materials or promote the increased use of the Library; and

WHEREAS, Section 8.21-3 provides that the Board of Supervisors may, by resolution, authorize the Library Commission to establish subsequent Library fee amnesty programs under the same terms and conditions set forth in Section 8.21-3; now, therefore, be it

FILE NO. RESOLUTION NO.

[Library Fee Amnesty Program]

Resolution authorizing the Library Commission to establish a fee amnesty program for overdue Library materials to take place during a two-week period in April 2009, pursuant to Section 8.21-3 of the San Francisco Administrative Code.

WHEREAS, In April 2001, the Board of Supervisors adopted Ordinance No. 64-01, adding Section 8.21-3 to the San Francisco Administrative Code, authorizing the Library Commission to establish a Library fee amnesty program excusing persons who return all overdue Library materials on their Library account from having to pay any late fees to take place during a two-week period in 2001; and

WHEREAS, Section 8.21-3 provides that the Board of Supervisors may, by resolution, authorize the Library Commission to establish subsequent fee amnesty programs for overdue Library materials under the same terms and conditions set forth in Section 8.21-3; and

WHEREAS, There has not been another Library fee amnesty period since 2001; and

WHEREAS, At its publicly noticed hearing of March 5, 2009, the Library Commission found that establishing a two-week fee amnesty program in April 2009 is likely to promote the return of needed Library materials or promote the increased use of the Library. This finding is set forth in a resolution on file with the Clerk of the Board of Supervisors in File No. , which is hereby declared to be a part of this motion as if set forth fully herein; now, therefore, be it

RESOLVED, That the Board of Supervisors hereby authorizes the Library Commission to establish a Library fee amnesty program for waiver of late fees for overdue Library materials to take place during the two week period of April 12 to 25, 2009, consistent with the standards set forth in Section 8.21-3 of the Administrative Code.

BOS-11
cpage

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

March 16, 2009

Dear Community Leader,

We are soliciting your participation in developing the City's plan for housing.

The Housing Element is the component of the City's General Plan that provides a five year vision for housing. San Francisco, along with all municipalities, is required by state law to update the Housing Element of the General Plan every five years. Additionally the Planning Department will be completing a full Environmental Impact Report on the 2009 Housing Element update. While the Housing Element will not direct changes in zoning, or provide specific development proposals, it will provide the Mayor, the Board of Supervisors and our City's decision makers with the broad policy framework for meetings our City's housing needs.

The City is embarking upon a Citywide outreach campaign for the 2009 Housing Element update. The Planning Department and the Mayor's Office of Housing have been working closely with a Community Advisory Body to develop initial ideas for that update. We'd like to hear about your community's needs related to housing, so that we can adequately incorporate policy ideas that address these needs.

We would like to hear from you and your neighborhood organizations about your priorities for open space. There are many ways in which you and your organization can participate.

- Attend a meeting in your neighborhood: Our project team, along with our community partners in your neighborhood, will be hosting a **community meeting on APRIL 13, 2009 from 7:00 to 8:30 pm at the POTRERO HILL NEIGHBORHOOD HOUSE at 953 De Haro Street.** Additional meetings are being held throughout the City, please continue to check the calendar of events at **http://housingelement2009.sfplanning.org/** as we update the list of the community meetings to find additional meetings near you.
- Sign up for our mailing list: Sign up for our mailing list via our website at **http://housingelement2009.sfplanning.org/.**
- Send us an email with your thoughts: Provide feedback online, at **http://housingelement2009.sfplanning.org/.** Please also take a minute to fill out our short online survey about housing priorities.

Your feedback and engagement is invaluable to this process. So thanks in advance for participating!

Sincerely,

Sarah Dennis

Sarah Dennis
Senior Planner

Housing Element Materials and Meetings are available for translation in Cantonese, Spanish, and American Sign Language, use of a reader during a meeting, or a sound enhancing system. If you plan to attend a meeting and would like to request one of these services, please call 415-575-9065 72 hours in advance of the meeting. Para información en Español llamar al: 558.6473. Para sa impormasyon sa Tagalog tumawag sa: 558.6473. 中文詢問請電 : 558.6282

3

Board of Supervisors/BOS/SFGOV
03/18/2009 09:46 AM

To BOS Constituent Mail Distribution,
cc
bcc
Subject Fw: Supes Ditch Own Rules, Condemn U.S. Attorney

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548
----- Forwarded by Board of Supervisors/BOS/SFGOV on 03/18/2009 09:48 AM -----

aevansf
03/17/2009 09:37 PM

To board.of.supervisors@sfgov.org
cc
Subject Supes Ditch Own Rules, Condemn U.S. Attorney

Dear Friends and Neighbors,

In an extraordinary move, the supes voted on Tuesday to suspend their own rules of order, and also forbid public comment, in order to push through a controversial resolution sponsored by David Campos. It calls on President Obama to replace the U.S. Attorney for Northern California, Joseph Russoniello.

Ironically (in light of these maneuvers), Campos said the measure was needed in order to create "a better process" in the appointments of U.S. attorneys.

The measure was on the unanimous consent calendar, continued from last week. Despite the requirement of unanimity, board president David Chiu declared that it had passed, even though four supes voted against it when the roll was called.

A rep from the City Attorney's office objected, pointing out that the item required unanimous consent. The supes could only pass it today, she added, if they suspended their own rules of order by a two-thirds vote (eight supes).

At president Chiu's initiative, the roll was called on a motion to suspend the rules, and it got the necessary number. Only two supes voted against suspending the rules, Michela Alioto-Pier and Sean Elsbernd.

Next, the supes voted a second time on the original resolution, which passed with the original seven-to-four vote. Thanks to the suspension of the rules, there was no committee hearing on the issue.

When a member of the audience stood up and asked whether there would be public comment, President Chiu barked "No, sit down!"

Such was "the better process" that David Campos and his colleagues offered the city today. And all in the name of progressive politics.

Yours for rationality in government,

Arthur Evans

* * * * *

File 090159

San Francisco LLC

Contemporary Japanese Cuisine

c: Bos 11
DR
C Page

March 15, 2009

President David Chiu
Honorable Members
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: 110 The Embarcadero

Dear President Chiu and Honorable Members:

I write to you to request that you uphold the findings of the Planning Commission and deny the appeal of the Mitigated Negative Declaration for 110 The Embarcadero so that this site can be redeveloped. Currently the site is abandoned and detracts from this otherwise vibrant block that includes a mix of retail, office and hotel.

As a partner of Ozumo Restaurant located at 161 Steuart Street I am a supporter of the development of 110 The Embarcadero which will bring jobs and in turn increased activity for the businesses in the area. In the current challenging economic environment growth should be embraced and encouraged.

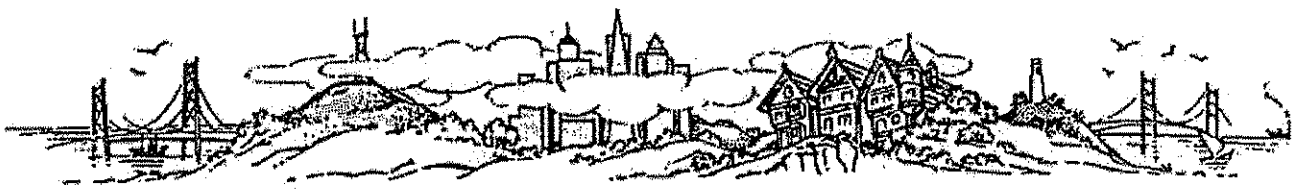
Sincerely,

Joseph Fisher

C: Angela Calvillo, Clerk of the Board

5

Clerk File 090159



San Francisco Tomorrow

Since 1970, Working to Protect the Urban Environment

March 16, 2009

The Honorable David Chiu
President, San Francisco Board of Supervisors
City Hall
San Francisco, CA 94102
VIA FACSIMILE

Re: Item 090159 Appeal of Mitigated Negative Declaration – 110 the Embarcadero

Dear President Chiu and Supervisors:

On behalf of San Francisco Tomorrow, I am writing in support of the appeal of the above referenced Preliminary Mitigated Negative (MND) filed by San Franciscans for Reasonable Growth (SFRG). In our opinion, the MND fails to adequately assess the impacts of the proposed building, in particular in the following areas;

- Shadows cast by the 130' structure on nearby, heavily used open space;
- The relationship between the built environment and the Bay as expressed by the City's planning and zoning policies;
- Demolition of a building of historical significance;

The connection between San Francisco and its waterfront is a defining characteristic of the City's form. That link was weakened by the construction of the Embarcadero freeway, but has been reinforced since its removal by a series of waterfront projects and developments that have in particular reinvigorated the area in the vicinity of the Ferry Building. One expression of this link is the requirement in the City's Urban Design Plan, that building heights step down as they approach the waterfront. The proposal in this plan to abrogate this long-held policy is a significant change in policy that should be investigated in a full environmental review.

SFT is also extremely concerned about the impacts of the building shadow on the surrounding open spaces, including Justin Herman Plaza, Herb Caen Way, and One Market Plaza. This is the most significant open space area on the east side of the City, in which both the Port and the City have made considerable investment. The impacts identified in the MND should be considered significant; a full environmental review should take a look at the current and potential future effects of new development on these open spaces.

We have learned that this site is a significant historic resource, site of the International Longshoreman's Union headquarters at the time of the 1934 strike. This strike was a seminal event in San Francisco's history. This was not addressed in the MND, a significant oversight that should trigger a full environmental review.

We understand and appreciate that the proposed new structure will be a LEED Platinum building. That does not mean, however, that it has only a positive benefit. Indeed, it will negatively impact on adjacent open space, proposes destruction of an historic resource, and violates the City's own Urban Design Plan. We strongly encourage the Planning Department to develop guidelines that will encourage LEED construction without compromising the City's open spaces, historic resources or Urban Design guidelines.

Sincerely,

Jennifer Clary
President

Matthew Zlatunich

03/19/2009 10:19 AM

Please respond to

To board.of.supervisors@sfgov.org

cc

bcc

Subject Restore Sharp Park

I understand the San Francisco Recreation and Parks Department is weighing the future of the City's municipally owned golf courses, including the financially and ecologically mismanaged Sharp Park Golf Course. I urge the City and County of San Francisco to restore Sharp Park as a coastal lagoon and wetland habitat for endangered species.

Sharp Park Golf Course has a long history of environmental problems because of its poor design and unfortunate placement on a coastal lagoon. The course has had problems with flooding and drainage ever since opening, and the Department has created new and significant environmental impacts. The current operation of the golf course harms the wetland habitat and causes illegal take of two federally listed species, the California red-legged frog and the San Francisco garter snake.

Restoration of this area to a natural state is the best option for Sharp Park. Restoration will provide access to hiking trails, picnicking spots, camping facilities and educational opportunities sorely needed in San Mateo County. Restoration will also ensure the continued existence and abundance of endangered species at Sharp Park.

Ecological restoration is also the most fiscally responsible method of managing Sharp Park and dealing with flood management issues at the site. Compared to the costs of implementing capital improvements necessary to maintain the golf course combined with the high potential for massive civil penalties for harming endangered species, restoration alternatives seem to be the most fiscally prudent method for retaining recreational uses of the area.

Please fully consider restoration alternatives at Sharp Park before any long-term decisions about the future of the area are made.

Matthew Zlatunich

San Francisco, CA 94118

Jonathan Evans

To board.of.supervisors@sfgov.org

03/18/2009 05:19 PM

Please respond to

bcc

Subject Restore Sharp Park

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Jonathan Evans

Berkeley, CA 94705

Elaine Reiter

03/18/2009 06:51 PM
Please respond to

To board.of.supervisors@sfgov.org
cc
bcc
Subject Restore Sharp Park

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Please fully consider restoration alternatives at Sharp Park before any long-term decisions about the future of the area are made.

Elaine Reiter

San Mateo, CA 94402

giovanna villani

03/17/2009 03:04 PM

Please respond to

To board.of.supervisors@sfgov.org

cc

bcc

Subject Restore Sharp Park

I understand the San Francisco Recreation and Parks Department is weighing the future of the City's municipally owned golf courses, including the financially and ecologically mismanaged Sharp Park Golf Course. I urge the City and County of San Francisco to restore Sharp Park as a coastal lagoon and wetland habitat for endangered species.

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giovanna villani
Sao Paulo
Brazil
SP, ot 23020

090329

JD McMillan

03/21/2009 11:23 PM

Please respond to

To board.of.supervisors@sfgov.org

cc

bcc

Subject Restore Sharp Park

I understand the San Francisco Recreation and Parks Department is weighing the future of the City's municipally owned golf courses, including the financially and ecologically mismanaged Sharp Park Golf Course. I urge the City and County of San Francisco to restore Sharp Park as a coastal lagoon and wetland habitat for endangered species.

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Please fully consider restoration alternatives at Sharp Park before any long-term decisions about the future of the area are made.

JD McMillan

Berkeley, CA 94702

7

File # 090329

Jim Currie
<Jccurrie(
03/21/2009 08:08 AM
Please respond to
Jccurrie(

To board.of.supervisors@sfgov.org
cc
bcc
Subject Restore Sharp Park

I understand the San Francisco Recreation and Parks Department is weighing the future of the City's municipally owned golf courses, including the financially and ecologically mismanaged Sharp Park Golf Course. I urge the City and County of San Francisco to restore Sharp Park as a coastal lagoon and wetland habitat for endangered species.

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Please fully consider restoration alternatives at Sharp Park before any long-term decisions about the future of the area are made.

Jim Currie
2nd st
San Francisco, CA 94129

7

090329

Mailie La Zarr

03/22/2009 01:08 PM

Please respond to

To board.of.supervisors@sfgov.org

cc

bcc

Subject Restore Sharp Park

Thank you for taking the first step to transform our publicly owned land at Sharp Park from an exclusive, underused, and budget-breaking golf course into a community-centered model for endangered species recovery, natural flood control, outdoor recreation, and sustainable land use.

I strongly support Supervisor Mirkarimi's proposed ordinance to transfer Sharp Park to the National Park Service as part of the Golden Gate National Recreation Area or to jointly manage the park with the Park Service. The ordinance would also require the city's Recreation and Parks Department to develop a plan, schedule, and budget for restoring Sharp Park habitat for endangered species on the site, a welcome change from the mismanagement of recent years. I urge the city and county of San Francisco to restore Sharp Park as a coastal lagoon and wetland habitat for endangered species. Please follow through by passing this important legislation.

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Mailie La Zarr

Modesto, CA 95354

090329

Chris Haddad

03/23/2009 11:57 AM

Please respond to

To board.of.supervisors@sfgov.org

cc

bcc

Subject Restore Sharp Park

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Chris Haddad

San Diego, CA 92127

090329

Mailie La Zarr

03/22/2009 01:08 PM
Please respond to

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Mailie La Zarr

Modesto, CA 95354

090329
C-page

Teresa Hoerres

03/23/2009 11:55 AM
Please respond to

To board.of.supervisors@sfgov.org
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Teresa Hoerres

erie, PA 16507

C - page

090329

Susan Bullock

03/23/2009 11:53 AM
Please respond to

To board.of.supervisors@sfgov.org
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bcc
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Susan Bullock

Nanaimo, BC V9R 3W6

090329

Paige Franco

03/23/2009 11:53 AM
Please respond to

To board.of.supervisors@sfgov.org
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bcc
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Paige Franco

Grand Junction, CO Colorado

090329

"H. Coetzee"

03/23/2009 11:53 AM

Please respond to

To board.of.supervisors@sfgov.org

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H. Coetzee

La Canada, CA CA 91011

#090329

STEVE DUDZINSKI

03/23/2009 11:53 AM

Please respond to

To board.of.supervisors@sfgov.org

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bcc

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STEVE DUDZINSKI

BERKLEY, MI USA

#090329

De LaFreniere

03/23/2009 11:54 AM

Please respond to

To board.of.supervisors@sfgov.org

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bcc

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De LaFreniere

Belleville, ON K8N 4H5

090329

Emma Eaton

03/23/2009 11:54 AM
Please respond to

To board.of.supervisors@sfgov.org

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Emma Eaton

Ottawa, ON K2P0T6

090329

Leslie Hoy

03/23/2009 11:54 AM
Please respond to

To board.of.supervisors@sfgov.org
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Leslie Hoy

Prescott, AZ 86303

#090329

Chris Haddad

03/23/2009 11:57 AM

Please respond to

To board.of.supervisors@sfgov.org

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7

Chris Haddad

San Diego, CA 92127

Dear Mayor Newsom, Members of the Board of Supervisors, Recreation and Park Commissioners and Mrs. Nani Coloretti:

SUBJECT: Recreation and Park Director Carli Fullerton

Carli Fullerton is presently a director assigned to the Golden Gate Park Senior Community Center at Fulton and 37th Avenue. She is one of the designated 55 Rec & Park staff to be laid off effective May 1st of this year. Ironically, she has the most City service out of all the people who are slated to be laid off and missed not keeping her job by a heartbeat.

This letter is to implore you to rethink letting go of Ms. Fullerton. She has been a tremendous asset to our Center, dedicating all her energy towards our well being. The Center simply cannot run without her. She is one of two directors who engineer all programs for the benefit of the 1300 seniors who frequent this Center. If we lose her, the programs offered today will simply cease. One director simply cannot handle it all and eventually one of you will make the catastrophic decision to close the Center. We seniors have contributed money and services to this City for more than half our lives. Don't we deserve a place where we can come to keep fit, get informed and socialize or will you condemn us to a solitary confinement at home? This Center is our refuge! Surely you would not want your elderly relatives and friends to suffer a similar fate. This Center and Carli mean so much to us that some of the seniors at this Center take three Muni buses just to get here!

We know the economy is not at its best right now, but taking away Carli Fullerton and watching this Center go towards privatization is not a viable solution to any budgetary shortfall. San Francisco is the City that knows how. It is supposed to take care of its young and old. Please explore other ways to trim the budget. Voluntary/mandatory furloughs perhaps?? Shorter hours at the Centers? Canvass all senior Rec & Park employees to ascertain upcoming service retirements. You are all very intelligent individuals. Come up with some other solution because shortchanging the kids and the seniors is unconscionable.

FYI, Carli Fullerton has been a City employee longer than what the record reflects. While in high school, she did volunteer work for the Rec & Park Department. That time and dedication must count for something! I invite you to visit the Center just to see what a valuable employee she is.

Thanking you in advance for your consideration.

Very truly yours,

Greg Clark
(Name)

(Address) SF CA 94122

PS: Please keep Ms. Fullerton on the payroll. We need her. Thank you.

8

Dear Mayor Newsom, Members of the Board of Supervisors, Recreation and Park Commissioners and Mrs. Nani Coloretti:

SUBJECT: Recreation and Park Director Carli Fullerton

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Very truly yours,

[signature] 3-6-09

(Name)

SAN FRANCISCO

(Address)

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Very truly yours,

Mei-Ling Shik
(Name)

.. S.F. CA 94121
(Address)

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Very truly yours,

Dirpa Dcallan
(Name)

(Address) S.F. 94121

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Thanking you in advance for your consideration.

Very truly yours,

Marion R. Gilton

(Name)

(Address)

(I only take 2 buses to get to the Center)

3/13/09

Board of Supervisors/BOS/SFGOV
03/23/2009 04:17 PM

To BOS Constituent Mail Distribution,
cc
bcc
Subject Fw: For Petitions & Communications

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548
----- Forwarded by Board of Supervisors/BOS/SFGOV on 03/23/2009 04:24 PM -----

SCau
03/19/2009 12:38 PM

To Board.of.Supervisors@sfgov.org
cc
Subject For Petitions & Communications

Please include the BOS Library Citizens Advisory Committee resolution on set-asides.

Thank you,

Sue Cauthen, Chair

Sue Cauthen

San Francisco, California 94133
415 .
s

Feeling the pinch at the grocery store? Make dinner for $10 or less. LCAC 031809 set-aside reso.passed.doc

9

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

Date: March 23, 2009

To: Members of the Board of Supervisors

From: Angela Calvillo, Clerk of the Board

Subject: Form 700

This is to inform you that the following individuals have submitted a Form 700 Statement of Economic Interests to my office.

Ohn Myint, (COB-Annual)
Michael Bell, Annual (LAFCo-Annual)
Douglas Comstock, (SOTF-Leaving)
Debra Newman, (Budget Analyst-Annual)
Chris Daly, (Supervisor-Annual)
Erasmo Vazquez, (COB-Annual)
Catherine Stefani, (Legislative Aide-Annual)

10

"sk8godfather(
<sk8godfather(

03/19/2009 02:11 PM

Please respond to
sk8godfather@earthlink.net

To "David Miles Jr.
cc
bcc Board of Supervisors/BOS/SFGOV
Subject Skating in Schools for fitness

Hi Supervisors,

For about 12 years now, I have been going to schools, rec centers and community groups with a skating program designed to use roller skating and inline skating as a physical fitness tool to get youth in shape. http://www.cora.org/CoraSkateFitProgram.htm I am about to "shake up the cage" at the San Francisco Unified School District next week as I push to overturn a policy decision that was made to not allow skating on gym floors in the SFUSD school district.

Before I begin the campaign I want to give you all a chance to see what we are trying to do through this video http://www.youtube.com/profile?user=Sk8GodFather If there is a problem accessing YouTube you can view the video using Windows Media Player on our website at http://www.cora.org/skatefloorsafety_NEW.wmv I think that anyone that watches this video and still feels that skating damages the gym floor also believes in the Tooth Fairy, the Easter Bunny and George Bush's economic policies.

Keep Rollin',

D. Miles Jr.
The GodFather of Sk8
http://www.cora.org http://www.skatinplace.com http://www.SkateGoldenGate.com

11

BOS-11
C page

UPPER NOE NEIGHBORS

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 MAR 23 AM 11:51
BY

March 20, 2009

Board of Supervisors
One Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102

Dear Supervisors:

This letter is to show our neighborhood's full support for the 30th Street Senior Center's meals program and to appeal for adequate funding for this incredible resource. We know we're in difficult budget times, but when a program really works and helps some of our most vulnerable and overlooked residents, it seems fiscally and morally responsible to continue at full funding. This is especially critical at this time since the number of seniors needing services is increasing.

The cuts that are being proposed for congregate meals, home-delivered meals and health promotion will have a profound negative effect on elders who really need these services. Reducing meals and human contact for our needy seniors should not be an option. San Francisco must show at least as much respect for our elder population as we do for our young, urban professionals.

Please retain these efficient and cost-effective programs that mean so much to our elders and help them maintain their health and independence. We owe it to our aging population to be as forward thinking in this area as we are in others. This is money well spent.

Thank you.

Sincerely,

Vicki Rosen

Vicki Rosen
President

169 Valley Street, San Francisco, California 94131 (415) 285-0473

12

"Stucky, Shirley" <SStucky(m>

03/19/2009 07:56 PM

To <board.of.supervisors@sfgov.org>, <MTAboard@sfmta.com>, <info@sftep.com>, <samuel.lau@sfmta.com>, <peter.straus@sfmta.com>,
cc <info@phra-sf.org>, "Paul Wermer" <paulhwermer(
bcc

Subject 3 JACKSON BUS - STATUS

3/19/09

Ladies & Gentlemen:

This e-mail is a follow-up to my e-mail correspondence below regarding the status of the 3 Jackson bus. With the economy, the layoffs and the accompanying financial turmoil, it is imperative that the 3 Jackson bus route and schedule stay exactly as they are. I personally ride this bus at all hours (very early and very late) and riding it is how I get to my job. This mode of transportation is paramount with keeping my job - and today - that is no small task or to be taken lightly.

PHRA: It is my understanding that Mr. Paul Wermer has asked a woman named "Anita" to deal with transportation issues for the PHRA. I met her on the bus one evening and found her to be extremely rude and condescending. Just because she has a car and no longer depends on bus transportation, that is not the case with others - to them, the 3 Jackson bus is their lifeline. It is very disturbing that someone would be appointed to address transportation issues who would be so insensitive. At one time, she, too, needed the services of the 3 Jackson bus and worked to keep this bus running. It saddens me to think the neighborhood in which I live would not understand the importance of all of us being able to take advantage of the 3 Jackson bus service.

MUNI/MTA: I know that there are financial issues to be addressed with MUNI and request that the 3 Jackson bus is not eliminated. Because I do not see many riders on the 4 Sutter, perhaps that route can be folded into the 2 Clement, but I understand the importance of providing transportation to the people who ride these 2 buses. Maybe the answer is to run the 4-Sutter all day, seven days a week, and to eliminate the 2 Clement. It seems the better idea would be that no changes are made until the financial situation has improved and further public hearings can be held for input from the riders. Also, do you consult with the bus drivers for these various routes? They would have invaluable information to help MUNI make better transportation decisions for all SF citizens/riders.

In talking with other passengers who ride the 3 Jackson bus, they share my concerns and also request that the 3 Jackson remain on the same schedule and route. We need to all pull together and help each other through these very scary and uncertain times.

Thank you, again, for your kind attention to my e-mail and request.

Best regards,
Shirley Stucky
E-mail Address:

From: Stucky, Shirley
Sent: Wednesday, September 24, 2008 8:42 PM
To: info@phra-sf.org
Subject: FW: 3 JACKSON BUS STATUS

13

"Chuck Godwin"
<cgodwin@lighthouse-sf.org>

03/20/2009 03:47 PM

To <Board.of.supervisors@sfgov.org>
cc
bcc
Subject Sunshine Ordinance Open Board Meeting Announcement

Dear Reader,
Pursuant to Chapter 12L of the San Francisco Administrative Code, I am notifying your office that a Board of Directors Meeting of the LightHouse for the Blind and Visually Impaired has been designated an "open meeting". The meeting will be held at 5:30pm on Thursday, April 23, 2009, at our office at 214 Van Ness Avenue, San Francisco, California.

Please post this announcement.
Thanks you and best regards,

Charles Godwin
Executive Secretary
LightHouse for the Blind & Visually Impaired
415-694-7348 direct number
415- 431-1481 main number
"Providing solutions for living with vision loss"

14

City Hall
1 Dr. Carlton B. Goodlett Pl.
Room 244
San Francisco, Ca 94102-4689
Voice: (415) 554-6968
Fax: (415) 554-6909

March 12, 2009

Re: Support for Application for Variance for 827 Guerrero

Dear Honorable Mayor and Distinguished Supervisors:

I am writing in support of the request for a variance by the Alternative to Meds Center at 827 Guerrero. This program provides the only alternative to Psychiatric drugs which I don't believe to be very effective.

John F. Kennedy said "Ask not what your country can do for you. Ask what you can do for your country." That is what Alternative to Meds Center at 827 Guerrero is doing by using private monies instead of using government handouts.

This program seems to be quite a bit more effective than other government funded programs, and we need very badly effective means to handle this very big problem. Please encourage the Planning Commission to approve the expansion of an additional ten privately funded residential beds for patients recovering from addiction and psychiatric disorders in our community.

Yours truly,

Rick Phipps
Supervisor, Church of Scientology of San Francisco

Rick Phipps

15

FIRE/LIFE SAFETY INSPECTION REPORT
ADULT/JUVENILE DETENTION FACILITIES

SAN FRANCISCO FD

Facility:

SAN FRANCISCO COUNTY
SAN BRUNO JAIL #5 WEST & EAST
1 MORELAND DR
SAN BRUNO, CA 94066-1670

FACILITY TYPE: (check one)
[X] Adult max/med security
[ ] Adult minimum security
[ ] Juvenile max/med security
[ ] Juvenile minimum security
Holding Cell(s) only

An inspection of this facility was conducted per the mandate of Section 13146.1, California Health and Safety Code, and applicable requirements of Titles 19 and 24, California Code of Regulations. **(Check appropriate box)**

[X] No deficiencies affecting fire/life safety were noted. Fire clearance is granted.

[ ] Minor deficiencies affecting fire/life safety were noted and are pending correction. Fire clearance granted

[ ] Fire clearance is withheld pending correction of deficiencies. (List of deficiencies is attached).

[ ] Prisoners are no longer detained at this facility.

The authority conducting the inspection **shall submit copies of this report to the appropriate bodies listed below.** *Where fire/life safety deficiencies are noted, a list of the deficiencies must accompany this report.*

- Office of the State Fire Marshal ✓ 3/10/09
  Building Safety Program
  P.O. Box 944246
  Sacramento, CA 94244-2460
- Board of Corrections ✓ 3/10/09
  Facilities Standards & Operations Division
  600 Bercut Drive
  Sacramento, CA 95814
- Official in Charge of the Facility – CAPT. MARTY IDETA
- Local Governing Body (i.e., Board of Supervisors, City Council, etc.) – 3/10/09

Date of Inspection: 2/13/2009 Inspected by: J. Stanahan

Fire Authority: SFFD

GO-19N
03/2007

16

Board of Supervisors/BOS/SFGOV
03/17/2009 04:11 PM

To BOS Constituent Mail Distribution,
cc
bcc
Subject Fw: Park Branch Library Closure/Remodeling

--

tesw(
03/17/2009 10:38 AM

To board.of.supervisors@sfgov.org, Ross.Mirkarimi@sfgov.org
cc
Subject Park Branch Library Closure/Remodeling

Teresa M. Welborn
San Francisco CA 94117

March 17, 2008 **RE: Park Branch Library Closure/Remodeling**

Board of Supervisors

San Francisco loves its libraries, and we in the Haight-Ashbury district certainly do! We have one of the most heavily used branch libraries, and yet the library administration has planned to **close our Park Library in July or August for at least one full year**, without the provision.of local alternative local service. [Getting to another branch requires two bus trips.]

The Park Branch Library is the oldest in San Francisco and will be having its 100th anniversary October 29, 2009. The library administration ignored this milestone until members of the public brought it up.

The Library administration has bungled the community input process, and has made it clear that they plan to proceed with the closure, despite the fact that they are behind schedule and over budget on other projects. Furthermore, the Library has just added $5 million to the budget for the North Beach Library. Evidently funds are available to do Park Branch right.

The Haight Ashbury Neighborhood Council Board has20voted to oppose closure of the Park Branch Library for remodeling, until a true community planning process is completed, and alternative site full service can be offered.

Park Branch Library is in working order at present. There is no pressing reason to close it prematurely.

17

I ask your assistance in getting the closure delayed and implementing a better community planning process. When the library is renovated, we want it done right, so that all can enjoy another 100 years of service.. Park Branch Library's renovation budget is $1.6 million, the smallest of all the planned renovations.

The community would rather postpone the renovation, and let the $1.6 million bond funds be released for other branch's use.

Sincerely,

Teresa M. Welborn

Attachments:
HANC Board letter to the Library Commission
PRO-SF letter from Mary Helen Briscoe
March 2 email to Luis Herrera from Tes Welborn
SF Labor Council members' petition
cc: Library Commission

Board of Supervisors/BOS/SFGOV
03/17/2009 04:12 PM

To BOS Constituent Mail Distribution,
cc
bcc
Subject Fw: Follow up letter on Park Branch Library

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548
----- Forwarded by Board of Supervisors/BOS/SFGOV on 03/17/2009 04:19 PM -----

tesw(
03/17/2009 10:21 AM

To sblackman@sfpl.org, Board.of.Supervisors@sfgov.org, Ross.Mirkarimi@sfgov.org
cc
Subject Fwd: Follow up letter on Park Branch Library

-----Original Message-----
From: TesW@aol.com
To: bbannon@sfpl.org
Sent: Tue, 17 Mar 2009 10:02 am
Subject: Follow up letter

Brian, I sent you and Luis Herrera a two-page list of questions regarding the proposed Park Branch Library renovation, March 2, 2009. Mr. Herrera replied that these questions would be answered at the March 12 and March 16 meetings.

At the March 12 HANC meeting, you referred to questions asked by subject area, but did not give any substantive answers. After the meeting, you told me you were working on these questions and others, and that you would have answers for them at the March 16 meeting. At the March 16 Library Meeting, you again referred to questions by subject areas, but gave few answers. Instead, I and other members of the public had to ask some of the same questions again, within short time limits, which meant many questions were not answered. See attached list of questions.

The few items you and other library staff did volunteer information on included options for relocating and resizing the branch's back office area, that the library has been behind schedule and over budget on a number of renovations, and that if HANC found a rent-free alternative, full service site, you would staff and furnish it.

I do appreciate your work in addressing the back office area and offers to staff and furnish an alternative site. These are valuable efforts.

=0
ANonetheless, by your own statement, Park is one of the most heavily used branch libraries, and you still have made no plans to offer more than a Bookmobile a few hours a month and one hour a week of children's programs. HANC had to offer the idea of a taskforce with library personnel and interested members of the public. HANC had to offer to assist in fundraising for such a site.

At best, this behavior if avoiding giving information can be seen as unclear on the concept of answering questions. At worst, it is deliberately obstructive. I am distressed by this mode of responding to public requests for information, and yours and the Library's lack of full information. It contributes to the Library's appearance of planning to go ahead with renovations in spite of public questions.

With regard to the locations of the new, smaller, back office work area and circulation desks, we need further time to review the proposal before a permanent wall is built. If a wall is composed of movable bookshelves, that is another matter. We had little time to review the proposal and no handouts. My thought this morning is that the work area should be relocated into its current location, with the circulation desk immediately adjacent, and teen area next to it. This could provide the "friendly face" you want welcoming people into the library. I doubt that seeing someone sitting there, reading,20instead of the current multi-tasking arrangement, will provide more than a wonder why someone would be paid to sit and read. I'd also suggest that the children's area be on the same side of the library as the restroom, to reduce cross-traffic.

Sincerely,

Tes Welborn

Member, HANC Board of Directors

Cc: Board of Supervisors

Library Commission

file: 090291
copy

EQUAL Health • *Equitable Quality Universal Affordable*

The Single Payer Solution: Key Role for California and the Nation
Ellen R. Shaffer, PhD MPH Co-Director, Center for Policy Analysis
March 17, 2009

San Francisco is fortunate to be represented by Supervisor John Avalos, who is supporting SB 810, and state Senator Mark Leno, our champion in the California legislature and the lead sponsor of SB 810. We are proud to join the Senior Action Network and our community today to demand our human right to a health care system that works for us.

But we must do more. Single payer supporters must have a seat at the table in the national debate on health reform. California knows that we must have affordable health care that covers all of us. We know that the for-profit private insurance industry will never provide the care we need. We know their profits come from denying coverage and denying care.

The Center for Policy Analysis is a founder of EQUAL Health, a national coalition of public health, women's health, and consumer advocates for Equitable, Quality, Universal, Affordable health care. We support strengthening and expanding existing public health programs as the building block to achieving health reform that controls costs and improves the public's health.

We know that this is a historic moment: the community organizer in the White House is joining Supervisor Avalos, Senator Leno and all of us in calling for an end to the national disgrace of 47 million uninsured, and millions with health insurance driven to bankruptcy when they fall ill.

We have a single payer system that works. It's called Medicare. We can build on the system we have, and get the care and dependable coverage we need. Medicare for All would establish a single government payer to cover everyone for comprehensive health care services at a cost that is affordable for all payers: individuals, employers and governments.

It preserves individuals' right and ability to choose the health care provider they want. This choice is not available to many people with private insurance, and to any of the uninsured.

It is the only system that reliably controls the long-term increase in health care costs. It can rein in the usual and customary practices of the medical-industrial complex:

1. Effectively control administrative waste. The for-profit insurance industry skims up to 30% on the dollar to manage their own risk and deny care, and forces doctors' offices and hospitals to hire more personnel to administer thousands of health plans, than to provide care.

2. Improve clinical care. Only a public authority can provide the incentives to expand primary care and discourage practices that are both harmful and expensive.

3. Negotiate rates with drug companies and medical supply companies.

EQUAL looks forward to bringing our voices, and Medicare for All, to the national debate.

Center for Policy Analysis • Ellen R. Shaffer and Joe Brenner, Co-Directors
• P.O. Box 29586, San Francisco, CA 94129 USA
phone: 415-922-6204 • fax: 415-885-4091• email: ershaffer@gmail.com • www.centerforpolicyanalysis.org

18

NEWS RELEASE - St. Patrick's Day 3/09 - Board of Supervisors, San Francisco ⊛

America's Bureau of Investigation™
and
Loving Intervention for our Nation's Children™
, Santa Rosa, CA 95404 * Email:

December 3, 2008

TO: **San Francisco Police Commissioners** committed to protecting the public, but especially small children and infants, from the violent crimes being covered up by a few criminals in law "enforcement," locally and federally.

RE: **(1) Violent Crimes Against Children by Army/Special Forces Lt. Col. Michael Angelo** (Michael the Angel) **and Lilith** (Hebrew for "Queen of the Witches") **Aquino. He is a Nazi and Satanist. Their crimes are covered up by a few compromised, no doubt blackmailed,* San Francisco Police Chiefs over the past 25+ years.**

(2) Aquino was the #1 high priest under Church of Satan founder, Anton LaVey, and quit it in 1975 to form the Temple of Set, Egyptian for Satan. (Get two books exposing Aquino: ***Painted Black*** and ***The New Satanists***.)

(3) On October 1, 1996, the third anniversary of the kidnap of Polly Klaas from Petaluma in Sonoma County where she and I lived, Anthony, LaVey's only known son, spoke to a small group of us in a Las Vegas Denny's restaurant. He told us the reason he was so late and obviously traumatized, was due to fact that his father called him and tried to persuade him to not speak to us. Why not? He and I had passed 2,000 flyers all over the city, including to some Satanists' businesses and homes, announcing our impending event. During our Q and A session, he told us:

(a) "The reason my voice sounds like a girl's is because my father castrated me, when I was only 12. He took me to East Berlin to meet the Council of 13, since I was a Christian. He didn't want any Christian grandchildren."

(b) "I have seen my father commit approximately 1,000 human sacrifices!"

(c) "I have seen Aquino commit approximately 600 human sacrifices!"

(4) The enclosed attachments with my cover letter addressed to California Attorney General Dan Lungren dated 11/22/93 (ironically, the 40TH anniversary of the assassination of Pres. John F. Kennedy) **requesting that he appoint** "a (State) Grand Jury...to investigate multiple cases of ritual assault of children and many sacrificial homicides of children and adults by Lt. Col. Michael and Lilith Aquino and their North Bay Network in Sonoma and Mendocino counties. We have the names of over 20 (S)atanists who have been witnessed participating in all of these crimes, including skinning children alive as they video the sacrifices." (Aquino and Berry's Markets owner did it often.)

Note: My conforming copy of the cover letter was stamped "11-23-93," by Lungren's security guard. He remembered my 6/93 delivery of ***The Franklin Cover-up*** for the AG. I drove two hours to Sacramento to deliver dozens of exhibits. My list of most of them is enclosed with this letter. (To cut my reproduction cost, each two pages are reduced to one legal page. **Note:** Several additions, plus my underlining. The Aquinos used a copy of this page, plus several other flyers I've delivered to hundreds of their neighbors and the Aquinos' home at 2430 Leavenworth St., San Francisco over the past 15 years, as evidence to secure a 150-foot, three-year restraining order against me.

AS YOU WILL RECALL, when I addressed your commission three weeks ago tonight, I told you that I had just left the San Francisco Civil Court House at 400 McAllister across the street from where you meet in City Hall. That was where the Aquinos secured their restraining order at 5:30pm, just 30 minutes before I met with each of you.

EXHIBITS (The "EXHIBITS" list is enclosed, but it is not all of them. It is on the back of my letter to AG Lungren.)

A-1 – Photo of Aquinos in their Satanic attire is from ***Painted Black***. (Due to their vanity, I made it look bad.)

B – "Parade the Nigger Day," a report a Santa Rosa mother gave me, after her daughter's therapist called and reported what had happened to Angelique the first time Satanists in a Santa Rosa low income housing project owned by the San Francisco Carpenters Union sexually abused/tortured her.(Angelique's father is from Mexico, and her attractive mother has black, Native American [large cheekbones, like my grandmother] and white bloodlines.)

C – Sonoma County District Attorney's letter lists Angelique's sex abuse and torture at 2600 North Coast, Santa Rosa where the crimes in **Exhibit "B"** occurred. (Aquino picked her to be his next bride. *Note death threats.*)

X – "Parents – Our Only Hope" quotes Ted Gunderson, retired chief of the FBI's Los Angeles field offices, "Why...doesn't the FBI know how many children are missing each year?...'The FBI does not keep count. ...The FBI has an accurate count of the number of automobiles stolen each year... homicides, rapes and robberies, but the FBI has no idea of the number of children who disappear...' " (He has made six trips to Sonoma County to help us.)

E – San Francisco Police Report by Detective Greg Pamfiloff documents the Aquinos' sex abuse/torture of a San Francisco Army Presidio Base chaplain's stepdaughter, age 3-1/2, in the Aquinos' home. **Note:** She described the black walls in one room and a cross on the ceiling. The police raided the Aquinos' home, and found this room, plus hundreds of the Aquinos' home videos of human sacrifices. But the FBI ordered the SFPD's chief of police to **"Destroy all records on the Aquinos! This involves national security!"** (Thank God an honest peace officer released this three-page report, so the public could see how compromised and evil the FBI's, CIA's, DoD's and DoJ's leadership is today. Best book on it? ***The Franklin Cover-up: Child Abuse, Satanism and Murder in Nebraska***.)

H.H. Johnson, publisher of the *Mill Valley Record Messenger* in Marin County, republished it for us on 9/16/92. Probably because his daughter had become a Satanist under Aquino. His invalid wife and he adopted her three daughters, rather than support aborting them. He introduced me to them. In '95 he died with a heart attack.

F – Summary of a Gunderson report on why Satanists form daycares, track children and recruit the teenagers.

N-1 – National Conference on Crimes Against Children I attended a week before Polly Klaas was kidnapped.

N-2 – All speakers were afraid to mention the Aquinos' and CIA's involvement in Satanism and these crimes

R – "Satanism in America," my organizational chart created 1-1/2 years after learning Bohemian Grove's links.

* *Washington* [DC] *Times*' 6/30/89 CIA headline: "Power broker served drugs, sex at parties bugged for blackmail."

Respectfully submitted for your review and requested investigations, Doug Millar Douglas R. Millar

⊛ We request that you investigate SFPD Chief of Investigation Shinn told us + mo he was assigning two homicide inspectors to interview us + Chief Fong blackmailed but he has been prevented from doing his job

19

Francisco Da Costa

03/20/2009 09:52 AM

To Francisco Da Costa
cc
bcc Board of Supervisors/BOS/SFGOV
Subject San Francisco students and youth in general - adversely impacted by SF City Policies.

San Francisco Students and Youth - adversely impacted by San Francisco City Policies:

http://www.indybay.org/newsitems/2009/03/20/18579642.php?printable=true

Francisco Da Costa

20

Document is available at the Clerk's Office Room 244, City Hall

THE OFFICE OF CITIZEN COMPLAINTS

2007 ANNUAL REPORT

Included In This Document
Comprehensive Statistical Report
Comparative Overview of Caseload
How Complaints Were Received
Complaints and Allegations by Unit
Findings In Allegations Closed
Days to Close – All Cases Closed
Days to Close – Sustained Cases
Caseloads by Investigator
Case Closures by Investigator
Weighted Closures by Investigator
Presented by: Joyce M. Hicks, Executive Director
Compiled by: Chris Wisniewski and Linda Taylor

21

Document is available at the Clerk's Office Room 244, City Hall

THE OFFICE OF CITIZEN COMPLAINTS

2008 ANNUAL REPORT

Included In This Document

Comprehensive Statistical Report
Comparative Overview of Caseload
Caseload Summaries 1993-2008
How Complaints Were Received
Demographic Characteristics of Complainants
Types of Allegations Received and Closed
Complaints and Allegations by Unit
Findings In Allegations Closed
Days to Close – Closed and Sustained Cases
Investigative Hearings And Mediations
Status of OCC Cases – Year 2007
Status of OCC Cases – Year 2008
Caseloads, Closures and Distribution by Investigator

Presented by: Joyce M. Hicks, Executive Director
Compiled by: Joyce M. Hicks, Chris Wisniewski, Linda Taylor, Ellise Nicholson, Donna Salazar, Pamela Thompson and Inés Fraenkel

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

FILED
03-16-09
04:59 PM

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 MAR 23 AM 11:46
BY

Application of RED & WHITE FERRIES, INC. for a Certificate of Public Convenience Necessity 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, and to establish a Zone of Rate Freedom.	A. 09 01 016 **Assigned Commissioner:** Timothy Alan Simon **Assigned ALJ:** Victor D. Ryerson

MOTION TO DISMISS THE APPLICATION OF RED & WHITE FERRIES, INC.

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Attorneys for Protestant

Dated: March 16, 2009

23

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

Application of RED & WHITE FERRIES, INC. for a Certificate of Public Convenience Necessity 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, and to establish a Zone of Rate Freedom.	A. 09 01 016 **Assigned Commissioner:** Timothy Alan Simon **Assigned ALJ:** Victor D. Ryerson

MOTION TO DISMISS THE APPLICATION OF RED & WHITE FERRIES, INC.

TO THE HONORABLE ADMINISTRATIVE JUDGE VICTOR RYERSON AND ALL PARTIES OF RECORD:

PLEASE TAKE NOTICE that pursuant to Rule 11.1 of the Commission's Rules of Practice and Procedure, Protestant Golden Gate Bridge, Highway and Transportation District ("Protestant," "District" or "Golden Gate Ferries"), submits this Motion to Dismiss the Application of Red & White Ferries, Inc. ("Applicant" or "RWF"), as follows:

1. INTRODUCTION.

By its Application, RWF seeks interim and permanent operating authority to transport passengers on a regularly scheduled basis between San Francisco and Sausalito. Although Sausalito is a named service point, the Application fails to explain how, when, where, and under what circumstances RWF may or will land its vessels at Sausalito to drop-off and pick-up the passengers it contends (without support) require the proposed service. Only after submission of the District's Protest did RWF attempt to address and overcome this fatal operational flaw. Because RWF has no rights to use the District's Sausalito dock and in light of

RWF's failure to identify any other landing option, approval of any authority, interim or permanent, would be meaningless. Accordingly, if and until RWF can legally cure this substantive defect, the Application is premature and must be dismissed now to avoid further time and expense on a proceeding that is not ripe for any administrative action.

2. RWF'S APPLICATION FAILS TO MEET THE REQUIREMENTS OF RULE 3.3.

Any verified application under Rule 3.3 must include a full and complete description of the service proposed for PUC's approval. Given that RWF argues that bicyclists desire an alternative vessel service between San Francisco and Sausalito, the ability to physically land at either of these two points is essential and critical information upon which the Commission may fully evaluate the viability of the proposed service. While RWF maintains a terminal at Pier 43 1/2, it has no similar facility at Sausalito. RWF may only service one of the two service points. This operational fatal defect mandates the immediate dismissal of the Application.

The original Application is silent on how, when, where and under what conditions, RWF expects to dock its vessels in Sausalito. In response to the District's Protest, RWF submitted an unverified Reply to the Protest, indicating, for the first time, that it access Sausalito was by virtue of an earlier agreement with the District. For this purpose, RWF relies on a letter agreement dated July 24, 1997 and entitled *Permit for Occasional use of District Docking Facilities*. A true and correct copy of this document (hereinafter referred to as "Permit") is attached as Exhibit 1 to the Declaration of Jim Swindler, filed herewith.

In its Motion to Strike and First Amendment to Protest, filed simultaneously herewith, the District addresses the scope and purpose of the Permit as a limited license to use the Sausalito dock on a prearranged, infrequent basis to accommodate special charter events. The use of the dock in this capacity is subject to a seven (7) day notice period. Certainly, by practice and under its terms, the Permit does not allow any regularly scheduled service such as contemplated by RWF. Instead, any such access is subject to the procedures and conditions of

California Public Utilities Commission Section 562. RWF has never invoked Section 562 in connection with this Application.

Because of RWF's erroneous construction of the Permit, and to avoid any misunderstanding as to of its purpose and scope with regard to RWF and any other vessel operator who has been granted a similar license, the District has been forced to terminate RWF's Permit on three days' notice in accordance with its terms. A true and correct copy of the District's Notice of Termination is attached a Exhibit 2 to the Declaration of Jim Swindler filed herein.

RWF has not identified any other landing option in Sausalito. The Applicant has no landing rights to service Sausalito. Until it does, whether under Section 562 or through other arrangements, RWF simply cannot serve one of its critical service points. Accordingly, the Application is fatally defective and granting any authority would result in a nullity tantamount to what can only be regarded as arbitrary and capricious action on the part of this Commission. Given this reality, the Commission has no choice but to dismiss the application.

3. CONCLUSION.

For the reasons set forth here, the Application filed by RWF should be dismissed forthwith.

Dated: March 16, 2009

Respectfully submitted,

HANSON BRIDGETT LLP

By: /s/ William D. Taylor
William D. Taylor
Attorneys for Protestant
Golden Gate Bridge, Highway and
Transportation District

CERTIFICATE OF SERVICE

I, Kim L. Hering, certify that I have on this 16th day of March 2009 caused a copy of the foregoing:

MOTION TO DISMISS THE APPLICATION OF RED & WHITE FERRIES, INC.

to be served on all known parties to A.09-01-016 listed on the most recently updated service list available on the California Public Utilities Commission website, via email to those listed with email addresses and via U.S. mail to those without email service. I also caused courtesy copies to be hand-delivered as follows:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16th day of March 2009 at Sacramento, California.

/s/ Kim L. Hering
Kim L. Hering

SERVICE LIST BY EMAIL - CPUC Proceeding A. 09-01-016

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David J. Miller, Esq. **dmiler@hansonbridgett.com**	**Counsel for Golden Gate Bridge, Highway and Transportation District**

SERVICE BY U.S. MAIL

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San Francisco, CA 94102

Administrative Law Judge
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California Public Utilities Commission
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Sausalito City Attorney
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Larkspur, CA 94939-1899

David Miller, Esq.
Hanson Bridgett LLP
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San Francisco, CA 94105

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

Application of RED & WHITE FERRIES, INC. for a Certificate of Public Convenience Necessity 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, and to establish a Zone of Rate Freedom.	A. 09 01 016 **Assigned Commissioner:** Timothy Alan Simon **Assigned ALJ:** Victor D. Ryerson

MOTION TO STRIKE REPLY OF APPLICANT RED & WHITE FERRIES, INC.

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Attorneys for Protestant

Dated: March 16, 2009

24

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

Application of RED & WHITE FERRIES, INC. for a Certificate of Public Convenience Necessity 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, and to establish a Zone of Rate Freedom.	A. 09 01 016 **Assigned Commissioner:** Timothy Alan Simon **Assigned ALJ:** Victor D. Ryerson

MOTION TO STRIKE REPLY OF APPLICANT RED & WHITE FERRIES, INC.

TO THE HONORABLE ADMINISTRATIVE JUDGE VICTOR RYERSON AND ALL PARTIES OF RECORD:

PLEASE TAKE NOTICE that pursuant to Rule 11.1 of the Commission's Rules of Practice and Procedure, Protestant Golden Gate Bridge, Highway and Transportation District ("Protestant," "District" or "Golden Gate Ferries"), submits this Motion to Strike the Reply of Applicant Red & White Ferries, Inc. ("Applicant" or "RWF"), as follows:

1. INTRODUCTION.

Following submission of the respective Protests of the District and Blue & Gold Fleet, L.P. ("B&G" or "Blue & Gold"), RWF, by and through its counsel, filed a joint Reply thereto. While Rule 2.6(e) permits replies to protest(s), the document submitted by RWF should be stricken from the record and disregarded for the reasons set forth herein.

2. THE REPLY IS AN EXTENSION OF AND A BLATANT ATTEMPT TO RESURRECT THE SHORTCOMINGS OF THE SUBJECT APPLICATION AND, AS SUCH, SHOULD HAVE BEEN VERIFIED BY AN AUTHORIZED REPRESENTATIVE OF RWF.

Although there are any number of reasons why the Reply is defective and lacks credibility, the greatest shortcoming is the attempt by counsel to interject unsupported facts as evidence of a "public need," albeit entirely objectionable as hearsay, through the Reply when the matters asserted should have been included as part of the original verified Application. This is especially true with regard to RWF's response to the District's complaint that Applicant failed to state how, when, where, and under what circumstances (economical, operational, and/or environmental) RWF would or could dock in Sausalito on a scheduled basis. Simply stated: it can't.

In order to buttress the Application on this point, RWF contends that it was granted permission to dock in Sausalito by virtue of an earlier agreement with the District in the form of a Permit, which is nothing more than an at-will license, the use of which is, by its terms, subject to seven (7) day advance notice. A true and correct copy of the Permit is attached hereto as Exhibit 1 (In addition, See the District's First Amendment to Protest (verified) to which the Permit is also attached as Exhibit 1). Given that the "Permit" was known to RWF at the time of filing its Application, the Applicant should have referenced this so-called "access" to Sausalito in the first instance. Instead, RWF offers an after-the-fact explanation, more in the form of a Post-Hearing Brief, but without the evidence.

Because it is part and parcel of and merely an extension of the Application, the Reply should have been verified in accordance with Rule 1.11. Because RWF failed to meet this basic evidentiary requirement, and given that there is now no time to cure the defect, the Reply is, in the end, untimely, which itself provides another compelling reason to strike the Reply and disregard its contents.

///

3. CONCLUSION.

For the reasons set forth herein, the Reply submitted by RWF should be stricken from the record.

Dated: March 16, 2009

Respectfully submitted,

HANSON BRIDGETT LLP

By: /s/ William D. Taylor
William D. Taylor
Attorneys for Protestant
Golden Gate Bridge, Highway and
Transportation District

SERVICE LIST BY EMAIL - CPUC Proceeding A. 09-01-016

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David J. Miller, Esq. — **Counsel for Golden Gate Bridge, Highway and Transportation District**
dmiler@hansonbridgett.com

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Administrative Law Judge
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President & General Manager
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City Attorney Dennis Herrara
City and County of San Francisco
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James Swindler
Deputy General Manager - Ferry Division
Golden Gate Ferry
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Larkspur, CA 94939-1899

David Miller, Esq.
Hanson Bridgett LLP
425 Market Street, 26th Floor
San Francisco, CA 94105

CERTIFICATE OF SERVICE

I, Kim L. Hering, certify that I have on this 16th day of March 2009 caused a copy of the foregoing:

MOTION TO STRIKE REPLY OF APPLICANT RED & WHITE FERRIES, INC.

to be served on all known parties to A.09-01-016 listed on the most recently updated service list available on the California Public Utilities Commission website, via email to those listed with email addresses and via U.S. mail to those without email service. I also caused courtesy copies to be hand-delivered as follows:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of March 2009 at Sacramento, California.

/s/ Kim L. Hering
Kim L. Hering

GOLDEN GATE FERRY  GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

July 24, 1997

Red & White Fleet, Inc.
The Cannery
2801 Leavenworth Street
San Francisco, CA 94133

RE: **PERMIT FOR OCCASIONAL USE OF DISTRICT DOCKING FACILITIES**

Ladies & Gentlemen:

This letter, when signed by Red & White Fleet, Inc., represents a binding agreement between Red & White Fleet, Inc. and the Golden Gate Bridge, Highway & Transportation District (hereinafter called "the District") in which Red & White Fleet, Inc. agrees to certain terms and conditions in exchange for limited nonexclusive use of the District's docking facilities on dates and at times acceptable to the District. This Agreement may be terminated by the District upon three days' notice for any reason.

Red & White Fleet, Inc. agrees to carry General Liability Insurance covering the obligations assumed under this agreement, including bodily injury, death, and property damage with limits of no less than $5,000,000 per occurrence; and, additionally, P&I Insurance covering the obligations assumed under this agreement in the amount of $5,000,000 on each vessel. The General Liability Insurance of $5,000,000 will not be required if the P&I Insurance contains the following endorsement:

> "Property damage, loss of life or bodily injury to any person occurring on wharf and waterfront premises, owned, leased, rented or occupied by the assured, which are used specifically in connection with the operations of the insured vessel, including contractual liability as may be incurred under a written lease, is covered by the above-named policy or policies."

Red & White Fleet, Inc. also agrees to carry Workers' Compensation Insurance in the statute amount and Employer's Liability Insurance of $1,000,000 per accident.

All insurance must be current and in place with the District for a docking request to be considered. It shall be the responsibility of the requestor to renew insurance in a timely fashion without notification from the District.

The Golden Gate Bridge, Highway and Transportation District, and the City of Sausalito, and their directors, officers, employees, and agents shall be named as additional insured on the P & I insurance and the General Liability policies, and these insurance policies shall state that the insurance is primary and non-contributing with respect to any insurance that the District or City may carry on its own behalf. Certificate evidence of valid insurance shall be furnished to the District at least ten (10) days prior to use of requested facilities, and all certificates of insurance shall indicate that not less than 30 days' notice will be provided to the District of cancellation or nonrenewal of the coverage or reduction in limits.

Red & White Fleet, Inc. shall assume all risk of damage to their vessel and to any other property of theirs arising from the use of the District's docking facilities. Furthermore, Red & White Fleet, Inc. shall be responsible for any damage to District or City property either real or personal resulting from their use of the docking facilities.

Red & White Fleet, Inc. also agrees to indemnify, keep and save harmless the District and City of Sausalito and their agents, directors, officials, officers, employees and volunteers against any and all suits that may occur, or that may be alleged to have occurred from any cause or causes whatsoever arising from its activities associated with the use of said docking facilities.

Furthermore, it is agreed that Red & White Fleet, Inc. will, at its own expense, defend any and all such actions, suits or claims and will, at its own expense, pay all charges of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith; and if any judgment is rendered against the District or the City in any such action, will, at its own expense, satisfy and discharge same.

It is understood and agreed that prior permission must be obtained from the District for each and every use of District docking facilities; and that the request for permission must be made no less than seven (7) days prior to the planned docking.

Requests for dockings shall be in writing with FAX transmittal permitted, and all requests shall be followed by telephone contact by the requestor--Telephone (415) 925-5572 FAX (415) 925-5510. Permission to dock may be given verbally or in writing at the District's option.

A fee, currently in the amount of $75.00 per docking but subject to change, shall be charged by the District for each use of its docking facilities. If this license creates any taxable possessory interest, Red & White Fleet, Inc. shall be responsible for all taxes and assessments. The District may withhold permission for docking for any reason.

Red & White Fleet, Inc. shall comply with all applicable laws, regulations, rules and orders regarding the use of the District docking facilities, at their sole expense, including but not limited to environmental regulations. In the event of leakage or spillage of any hazardous materials by Fisherman's Wharf Bay Cruise Corporation, it shall promptly clean, at its sole expense, the leakage or spillage to the satisfaction of the District, the Environmental Protection Agency and any other public agency having jurisdiction in the matter.

Red & White Fleet, Inc. shall not assign nor sublet, in whole or in part, any rights nor delegate any obligations under this Agreement. No waiver or any default or breach of any condition of this Agreement by either party shall be implied from any omission to take action on account of such default or breach.

If any legal proceedings are instituted by either party to enforce the terms of this Agreement or to determine the rights of the parties under this Agreement, the prevailing party in the proceeding shall receive, in addition to all court costs, reasonable attorneys' fees.

The rights and liabilities of the parties under this Agreement shall be governed by the laws of the State of California.

If the above terms and conditions are acceptable, please have an authorized representative of your company sign this agreement indicating acceptance, and return it to the Golden Gate Ferry, 101 E. Sir Francis Drake Blvd., Larkspur, California, 94939, and retain one copy for your files.

Very truly yours,

Theodore A. Bratz
Terminal Superintendent
Ferry Transit Division

TAB/pm
d42/f188

Red & White Fleet, Inc. agrees to the terms specified in this agreement and I am authorized to sign this agreement on its behalf.

Thomas C. Eicher
(Signature)

26 July '97
(Date)

President
(Title)

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

FILED
03-16-09
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Application of RED & WHITE FERRIES, INC. for a Certificate of Public Convenience Necessity 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, and to establish a Zone of Rate Freedom.	A. 09 01 016 **Assigned Commissioner:** Timothy Alan Simon **Assigned ALJ:** Victor D. Ryerson

FIRST AMENDMENT TO PROTEST OF GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT TO APPLICATION NO. A. 09 01 016

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Attorneys for Protestant

Dated: March 16, 2009

25

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

Application of RED & WHITE FERRIES, INC. for a Certificate of Public Convenience Necessity 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, and to establish a Zone of Rate Freedom.	A. 09 01 016 **Assigned Commissioner:** Timothy Alan Simon **Assigned ALJ:** Victor D. Ryerson

FIRST AMENDMENT TO PROTEST OF GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT TO APPLICATION NO. A. 09 01 016

TO ALL PARTIES OF RECORD:

COMES NOW, Golden Gate Bridge, Highway and Transportation District ("Golden Gate Ferry," "District" or "Protestant") and pursuant to Rule 1.12 hereby amends the Protest filed on February 25, 2009, in the above-referenced proceeding, as follows:

1. INTRODUCTION.

As part of its Protest, the District brought to the attention of this Commission that a critical, yet totally absent, aspect of the proposed service was how, when, where, and under what circumstances Red & White Ferries, Inc. ("RWF" or "Applicant") would or could dock its vessels at Sausalito as a service point. The Application was completely silent on this point, leaving the Commission to speculate as to how RWF would accomplish the boarding and off-loading of passengers from this essential service point.

Reading between the lines, the District surmised that perhaps RWF, without saying so, expected to use Protestant's Sausalito landing facilities. Accordingly, the District

reminded both Applicant and the Commission that access to the District's dock was subject to compliance by RWF with the notice and negotiation conditions and predicates of PUC Code Section 562 ("Section 562"). Applicant completely ignored Section 562 until the District raised the question as part of its opposition to the Application. Only then did RWF acknowledge the regulatory impact of Section 562 on its ability to provide the service, whether interim or permanent, to and from Sausalito.

In the face of the District's protest and the Section 562 issues raised therein, the Applicant now contends that it has an "arrangement" to use the Sausalito dock. Assuming that any such authorization exists, (which it does not), Applicant should have addressed this as part of the verified Application. RWF choose not to do so, waiting until after submission of the subject Protest to reveal and share, for the first time, the basis for its alleged right to access a landing point in Sausalito.

In order that the Commission fully understands and is not misled regarding RWF's newly announced position on access to Sausalito, the District hereby amends its Protest to supplement the substance of that part of the text found at Section III.B.2 thereof.

2. AMENDMENT TO SECTION III.B.2 OF THE PROTEST.

Section III.B.2. of the Protest is amended by adding at the end thereof the following:

> "In addition to the facts set forth in Section III.B.2 (pages 7-8), the District respectfully submits that as the Commission considers the feasibility of the service sought by the Application, it should clearly understand that RWF has NO AUTHORITY whatsoever to use the District's Sausalito dock for a scheduled service as proposed in the Application.
>
> Following service of the District's Protest, on March 6, 2009, counsel for Applicant forwarded to counsel for this Protestant, a document dated July 24, 1997 entitled "Permit for Occasional Use of District Docking Facilities," (a true and correct copy of which is attached hereto as Exhibit 1), contending that this "Permit" was sufficient to provide RWF

access to the subject landing point on a regular, scheduled basis to support the proposed service.[1]

For the Commission's edification, the Permit is a standard form of limited license the District grants to vessel carriers who want to access the Sausalito landing for infrequent, special events provided under charter. Whether to grant any such use is completely within the District's discretion. Normally, the District will try to accommodate occasional dockings as space and usage allows. Nonetheless, the District has complete and unilateral authority to either approve or reject any request for access to its facilities. The language of the permit itself confirms that, at best, it is an at-will license. Certainly, the Permit does not justify, much less support, any expectation that a vessel operator would be allowed to conduct a regular, scheduled service to and from the Sausalito dock. In fact, by the Permit's terms, RWF must give to the District "seven (7) days prior" notice of any intended use so that the District may plan its own services accordingly to avoid interference with its own operations.

Finally, the Permit expressly provides that the District may terminate same "upon three days' notice for any reason." As RWF will soon learn, its erroneous construction of the Permit has forced the District to undertake to cancel the Permit so that there is no doubt about its scope and purpose.

In order that there is no confusion, the District reiterates that RWF has absolutely no authority to use the District's Sausalito dock for any aspect of the proposed service. RWF's Application leaves unanswered the fundamental question as to how RWF will serve this geographical segment of the service proposal."

3. <u>NO OTHER AMENDMENTS</u>.

Other than as set forth herein, there are no further amendments to the Protest, except to note for the record that the reference to "Rule 44" in the Protest should have been to "Rule 2.6" instead.

[1] This argument was advanced by RWF in its recently filed "Reply," which is the subject of the separate Motion to Strike filed by the District contemporaneously with this First Amendment.

4. CONCLUSION.

For the reasons set forth herein, as well as the original Protest, the District again respectfully requests that the Application be dismissed for failure to satisfy the conditions of Section 562, or that the matter be set for hearing to test whether the public truly requires the proposed service and whether RWF can economically and operationally provide same.

Dated: March 16, 2009

Respectfully submitted,

HANSON BRIDGETT LLP

By: /s/ William D. Taylor
William D. Taylor
Attorneys for Protestant
Golden Gate Bridge, Highway and

GOLDEN GATE FERRY

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

July 24, 1997

Red & White Fleet, Inc.
The Cannery
2801 Leavenworth Street
San Francisco, CA 94133

RE: **PERMIT FOR OCCASIONAL USE OF DISTRICT DOCKING FACILITIES**

Ladies & Gentlemen:

This letter, when signed by Red & White Fleet, Inc., represents a binding agreement between Red & White Fleet, Inc. and the Golden Gate Bridge, Highway & Transportation District (hereinafter called "the District") in which Red & White Fleet, Inc. agrees to certain terms and conditions in exchange for limited nonexclusive use of the District's docking facilities on dates and at times acceptable to the District. This Agreement may be terminated by the District upon three days' notice for any reason.

Red & White Fleet, Inc. agrees to carry General Liability Insurance covering the obligations assumed under this agreement, including bodily injury, death, and property damage with limits of no less than $5,000,000 per occurrence; and, additionally, P&I Insurance covering the obligations assumed under this agreement in the amount of $5,000,000 on each vessel. The General Liability Insurance of $5,000,000 will not be required if the P&I Insurance contains the following endorsement:

> "Property damage, loss of life or bodily injury to any person occurring on wharf and waterfront premises, owned, leased, rented or occupied by the assured, which are used specifically in connection with the operations of the insured vessel, including contractual liability as may be incurred under a written lease, is covered by the above-named policy or policies."

Red & White Fleet, Inc. also agrees to carry Workers' Compensation Insurance in the statute amount and Employer's Liability Insurance of $1,000,000 per accident.

All insurance must be current and in place with the District for a docking request to be considered. It shall be the responsibility of the requestor to renew insurance in a timely fashion without notification from the District.

101 EAST SIR FRANCIS DRAKE BOULEVARD, LARKSPUR, CALIFORNIA 94939-1899 • TELEPHONE 415-461-6016

EXHIBIT 1

The Golden Gate Bridge, Highway and Transportation District, and the City of Sausalito, and their directors, officers, employees, and agents shall be named as additional insured on the P & I insurance and the General Liability policies, and these insurance policies shall state that the insurance is primary and non-contributing with respect to any insurance that the District or City may carry on its own behalf. Certificate evidence of valid insurance shall be furnished to the District at least ten (10) days prior to use of requested facilities, and all certificates of insurance shall indicate that not less than 30 days' notice will be provided to the District of cancellation or nonrenewal of the coverage or reduction in limits.

Red & White Fleet, Inc. shall assume all risk of damage to their vessel and to any other property of theirs arising from the use of the District's docking facilities. Furthermore, Red & White Fleet, Inc. shall be responsible for any damage to District or City property either real or personal resulting from their use of the docking facilities.

Red & White Fleet, Inc. also agrees to indemnify, keep and save harmless the District and City of Sausalito and their agents, directors, officials, officers, employees and volunteers against any and all suits that may occur, or that may be alleged to have occurred from any cause or causes whatsoever arising from its activities associated with the use of said docking facilities.

Furthermore, it is agreed that Red & White Fleet, Inc. will, at its own expense, defend any and all such actions, suits or claims and will, at its own expense, pay all charges of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith; and if any judgment is rendered against the District or the City in any such action, will, at its own expense, satisfy and discharge same.

It is understood and agreed that prior permission must be obtained from the District for each and every use of District docking facilities; and that the request for permission must be made no less than seven (7) days prior to the planned docking.

Requests for dockings shall be in writing with FAX transmittal permitted, and all requests shall be followed by telephone contact by the requestor--Telephone (415) 925-5572 FAX (415) 925-5510. Permission to dock may be given verbally or in writing at the District's option.

A fee, currently in the amount of $75.00 per docking but subject to change, shall be charged by the District for each use of its docking facilities. If this license creates any taxable possessory interest, Red & White Fleet, Inc. shall be responsible for all taxes and assessments. The District may withhold permission for docking for any reason.

Red & White Fleet, Inc. shall comply with all applicable laws, regulations, rules and orders regarding the use of the District docking facilities, at their sole expense, including but not limited to environmental regulations. In the event of leakage or spillage of any hazardous materials by Fisherman's Wharf Bay Cruise Corporation, it shall promptly clean, at its sole expense, the leakage or spillage to the satisfaction of the District, the Environmental Protection Agency and any other public agency having jurisdiction in the matter.

Red & White Fleet, Inc. shall not assign nor sublet, in whole or in part, any rights nor delegate any obligations under this Agreement. No waiver or any default or breach of any condition of this Agreement by either party shall be implied from any omission to take action on account of such default or breach.

If any legal proceedings are instituted by either party to enforce the terms of this Agreement or to determine the rights of the parties under this Agreement, the prevailing party in the proceeding shall receive, in addition to all court costs, reasonable attorneys' fees.

The rights and liabilities of the parties under this Agreement shall be governed by the laws of the State of California.

If the above terms and conditions are acceptable, please have an authorized representative of your company sign this agreement indicating acceptance, and return it to the Golden Gate Ferry, 101 E. Sir Francis Drake Blvd., Larkspur, California, 94939, and retain one copy for your files.

Very truly yours,

Theodore A. Bratz
Terminal Superintendent
Ferry Transit Division

TAB/pm
d42/f188

Red & White Fleet, Inc. agrees to the terms specified in this agreement and I am authorized to sign this agreement on its behalf.

Thomas C. Eicher
(Signature)

26 July '97
(Date)

President
(Title)

VERIFICATION

I, James Swindler, state:

I am the Deputy General Manager, Ferry Division, of Protestant, Golden Gate Bridge, Highway and Transportation District, and I am authorized to make this verification on its behalf. I have read the FIRST AMENDMENT TO PROTEST OF GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT TO APPLICATION NO. A. 09 01 016, and know of its contents. I am informed and believe that the matters stated therein are true and correct.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 16, 2009, at Larkspur, California.

James Swindler

CERTIFICATE OF SERVICE

I, Kim L. Hering, certify that I have on this 16th day of March 2009 caused a copy of the foregoing:

FIRST AMENDMENT TO PROTEST OF GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT TO APPLICATION NO. A. 09 01 016

to be served on all known parties to A.09-01-016 listed on the most recently updated service list available on the California Public Utilities Commission website, via email to those listed with email addresses and via U.S. mail to those without email service. I also caused courtesy copies to be hand-delivered as follows:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of March 2009 at Sacramento, California.

/s/ Kim L. Hering
Kim L. Hering

SERVICE LIST BY EMAIL - CPUC Proceeding A. 09-01-016

Judge Victor D. Ryerson — **Administrative Law Judge**
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Thomas J. MacBride, Jr., Esq. — **Counsel for Red & White Ferries, Inc.**
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David J. Miller, Esq. — **Counsel for Golden Gate Bridge, Highway and Transportation District**
dmiler@hansonbridgett.com

SERVICE BY U.S. MAIL

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Commissioner Timothy Alan Simon
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San Francisco, CA 94102

Administrative Law Judge
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President & General Manager
Red & White Ferries, Inc.
Pier 43½
San Francisco, CA 94113

Taylor Safford
President, Blue & Gold Fleet
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San Francisco, CA 94133

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Sausalito, CA 94965

Sausalito City Attorney
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Deputy General Manager - Ferry Division
Golden Gate Ferry
101 East Sir Francis Drake Blvd.
Larkspur, CA 94939-1899

David Miller, Esq.
Hanson Bridgett LLP
425 Market Street, 26th Floor
San Francisco, CA 94105

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

FILED
03-16-09
04:59 PM

Application of RED & WHITE FERRIES, INC. for a Certificate of Public Convenience Necessity 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, and to establish a Zone of Rate Freedom.	A. 09 01 016 **Assigned Commissioner:** Timothy Alan Simon **Assigned ALJ:** Victor D. Ryerson

DECLARATION OF JAMES SWINDLER IN SUPPORT OF MOTION TO DISMISS APPLICATION

William D. Taylor
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Attorneys for Protestant

26

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

Application of RED & WHITE FERRIES, INC. for a Certificate of Public Convenience Necessity 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, and to establish a Zone of Rate Freedom.	A. 09 01 016 **Assigned Commissioner:** Timothy Alan Simon **Assigned ALJ:** Victor D. Ryerson

DECLARATION OF JAMES SWINDLER IN SUPPORT OF MOTION TO DISMISS APPLICATION

I, James Swindler, hereby declare:

1. I am Deputy General Manager, Ferry Division, for the Golden Gate Bridge, Highway and Transportation District ("District" or "GGBHTD"), a protestant in the subject proceeding. As such, I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently as to the facts set forth herein.

2. On behalf of the District, I signed and verified the Protest to Application No. A 0901016 filed by the District. Likewise, I also signed and verified the District's First Amendment to the Protest.

3. As part of its scheduled passenger ferry services, the District owns and maintains a vessel landing facility at Sausalito. Access to and the use of this dock is strictly controlled and limited by the District.

4. Historically, and as an accommodation to commercial vessel operators, such as Red & White Ferries, Inc. ("RWF"), Hornblower Dining Yachts, Commodore Cruises and Blue & Gold Fleet, L.P., the District has granted limited access to the Sausalito dock for infrequent special event charters. The opportunity to use the Sausalito dock for this purpose is available through a Permit issues by the District. An example of the standard permit in the name of RWF is attached hereto as Exhibit 1.

5. Each time an operator, such as RWF requests access to the Sausalito dock, the District is given seven (7) days notice to make sure that such use will not interfere with its own operations. Assuming that is feasible to allow for such use, and that the operator has all necessary issuance, the District confirms its consent pursuant to a "Sub-permit" for the particular date and time of the event requiring such access. The approval process includes notice to and consent by the District which may either grant or deny the request in its own discretion. The Permit is merely an at-will license to access the Sausalito dock and does not allow for any scheduled passenger service.

6. I understand that in this proceeding, RWF has asserted the position that the Permit attached hereto as Exhibit 1 is sufficient to allow access to the Sausalito dock to accommodate the proposed scheduled service. By its terms, the Permit does not allow or authorize such use. Because of RWF's erroneous construction of the scope and purpose of the Permit, to avoid any confusion as to similar permits issued to other vessel carriers, the District has determined to terminate RWF's permit on three (3) days' notice in accordance with the terms of the Permit for this purpose. Attached hereto as Exhibit 2 is a true and correct copy of the District's Notice of Termination for this purpose.

7. To the best of my knowledge, no one from RWF has requested access to the Sausalito dock for the purposes of a scheduled service in accordance with the provisions of California Public Utilities Code Section 562.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct and t hat this Declaration was executed this 16th day of March, 2009 at Larkspur, California.

James Swindler

GOLDEN GATE FERRY

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

July 24, 1997

Red & White Fleet, Inc.
The Cannery
2801 Leavenworth Street
San Francisco, CA 94133

RE: **PERMIT FOR OCCASIONAL USE OF DISTRICT DOCKING FACILITIES**

Ladies & Gentlemen:

This letter, when signed by Red & White Fleet, Inc., represents a binding agreement between Red & White Fleet, Inc. and the Golden Gate Bridge, Highway & Transportation District (hereinafter called "the District") in which Red & White Fleet, Inc. agrees to certain terms and conditions in exchange for limited nonexclusive use of the District's docking facilities on dates and at times acceptable to the District. This Agreement may be terminated by the District upon three days' notice for any reason.

Red & White Fleet, Inc. agrees to carry General Liability Insurance covering the obligations assumed under this agreement, including bodily injury, death, and property damage with limits of no less than $5,000,000 per occurrence; and, additionally, P&I Insurance covering the obligations assumed under this agreement in the amount of $5,000,000 on each vessel. The General Liability Insurance of $5,000,000 will not be required if the P&I Insurance contains the following endorsement:

> "Property damage, loss of life or bodily injury to any person occurring on wharf and waterfront premises, owned, leased, rented or occupied by the assured, which are used specifically in connection with the operations of the insured vessel, including contractual liability as may be incurred under a written lease, is covered by the above-named policy or policies."

Red & White Fleet, Inc. also agrees to carry Workers' Compensation Insurance in the statute amount and Employer's Liability Insurance of $1,000,000 per accident.

All insurance must be current and in place with the District for a docking request to be considered. It shall be the responsibility of the requestor to renew insurance in a timely fashion without notification from the District.

101 EAST SIR FRANCIS DRAKE BOULEVARD, LARKSPUR, CALIFORNIA 94939-1899 • TELEPHONE 415-461-8016

The Golden Gate Bridge, Highway and Transportation District, and the City of Sausalito, and their directors, officers, employees, and agents shall be named as additional insured on the P & I insurance and the General Liability policies, and these insurance policies shall state that the insurance is primary and non-contributing with respect to any insurance that the District or City may carry on its own behalf. Certificate evidence of valid insurance shall be furnished to the District at least ten (10) days prior to use of requested facilities, and all certificates of insurance shall indicate that not less than 30 days' notice will be provided to the District of cancellation or nonrenewal of the coverage or reduction in limits.

Red & White Fleet, Inc. shall assume all risk of damage to their vessel and to any other property of theirs arising from the use of the District's docking facilities. Furthermore, Red & White Fleet, Inc. shall be responsible for any damage to District or City property either real or personal resulting from their use of the docking facilities.

Red & White Fleet, Inc. also agrees to indemnify, keep and save harmless the District and City of Sausalito and their agents, directors, officials, officers, employees and volunteers against any and all suits that may occur, or that may be alleged to have occurred from any cause or causes whatsoever arising from its activities associated with the use of said docking facilities.

Furthermore, it is agreed that Red & White Fleet, Inc. will, at its own expense, defend any and all such actions, suits or claims and will, at its own expense, pay all charges of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith; and if any judgment is rendered against the District or the City in any such action, will, at its own expense, satisfy and discharge same.

It is understood and agreed that prior permission must be obtained from the District for each and every use of District docking facilities; and that the request for permission must be made no less than seven (7) days prior to the planned docking.

Requests for dockings shall be in writing with FAX transmittal permitted, and all requests shall be followed by telephone contact by the requestor--Telephone (415) 925-5572 FAX (415) 925-5510. Permission to dock may be given verbally or in writing at the District's option.

A fee, currently in the amount of $75.00 per docking but subject to change, shall be charged by the District for each use of its docking facilities. If this license creates any taxable possessory interest, Red & White Fleet, Inc. shall be responsible for all taxes and assessments. The District may withhold permission for docking for any reason.

Red & White Fleet, Inc. shall comply with all applicable laws, regulations, rules and orders regarding the use of the District docking facilities, at their sole expense, including but not limited to environmental regulations. In the event of leakage or spillage of any hazardous materials by Fisherman's Wharf Bay Cruise Corporation, it shall promptly clean, at its sole expense, the leakage or spillage to the satisfaction of the District, the Environmental Protection Agency and any other public agency having jurisdiction in the matter.

Red & White Fleet, Inc. shall not assign nor sublet, in whole or in part, any rights nor delegate any obligations under this Agreement. No waiver or any default or breach of any condition of this Agreement by either party shall be implied from any omission to take action on account of such default or breach.

If any legal proceedings are instituted by either party to enforce the terms of this Agreement or to determine the rights of the parties under this Agreement, the prevailing party in the proceeding shall receive, in addition to all court costs, reasonable attorneys' fees.

The rights and liabilities of the parties under this Agreement shall be governed by the laws of the State of California.

If the above terms and conditions are acceptable, please have an authorized representative of your company sign this agreement indicating acceptance, and return it to the Golden Gate Ferry, 101 E. Sir Francis Drake Blvd., Larkspur, California, 94939, and retain one copy for your files.

Very truly yours,

Theodore A. Bratz
Terminal Superintendent
Ferry Transit Division

TAB/pm
d42/f188

Red & White Fleet, Inc. agrees to the terms specified in this agreement and I am authorized to sign this agreement on its behalf.

Thomas C. Eicher
(Signature)

26 July '97
(Date)

President
(Title)

GOLDEN GATE BRIDGE
HIGHWAY & TRANSPORTATION DISTRICT

March 16, 2009

Sent via U.S. Mail:
Certified-Return Receipt Requested

Mr. Thomas C. Escher
Red and White Fleet
Pier 43 1/2
San Francisco, CA 94133

Subject: Termination of Permit for Occasional Use of District Docking Facilities

Dear Mr. Escher:

By letter agreement dated July 24, 1997, the Golden Gate Bridge, Highway and Transportation District granted to Red and White Fleet, Inc. a permit for the limited, non-exclusive use of the District's docking facilities subject to terms and conditions specified therein. As provided for in the letter agreement, the District may terminate the permit upon three (3) days' notice for any reason.

Please be advised that the District hereby terminates the aforementioned permit effective March 19, 2009. The 1997 agreement was for Red and White's occasional, limited use of the District's docking facilities on dates and at times acceptable to the District. It was not intended to be used for regularly scheduled ferry service. It appears that Red and White has relied on this permit for docking rights at the District's Sausalito facility for service that it proposes to operate on a regularly scheduled basis beginning this summer. As that is not the intent of the permit, and in order to avoid any misunderstanding, the District is formally providing notice that the permit is terminated. If Red and White desires to use the District's docking facilities, a new agreement specifying the terms and conditions for such use is necessary.

Sincerely,

James P. Swindler
Deputy General Manager
Ferry Division

cc: Thomas J. MacBride, Jr., Esq.
William D. Taylor, Esq.

1861688.1

EXHIBIT 2

CERTIFICATE OF SERVICE

I, Kim L. Hering, certify that I have on this 16th day of March 2009 caused a copy of the foregoing:

DECLARATION OF JAMES SWINDLER IN SUPPORT OF MOTION TO DISMISS APPLICATION

to be served on all known parties to A.09-01-016 listed on the most recently updated service list available on the California Public Utilities Commission website, via email to those listed with email addresses and via U.S. mail to those without email service. I also caused courtesy copies to be hand-delivered as follows:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of March 2009 at Sacramento, California.

/s/ Kim L. Hering
Kim L. Hering

SERVICE LIST BY EMAIL - CPUC Proceeding A. 09-01-016

Judge Victor D. Ryerson — **Administrative Law Judge**
vdr@cpuc.ca.gov

Daniel F. Reidy, Esq. — **Counsel for Blue & Gold Fleet**
dfreidy@pacbell.net

Thomas J. MacBride, Jr., Esq. — **Counsel for Red & White Ferries, Inc.**
tmacbride@goodinmacbride.com

David J. Miller, Esq. — **Counsel for Golden Gate Bridge, Highway and Transportation District**
dmiler@hansonbridgett.com

SERVICE BY U.S. MAIL

Commissioner
Commissioner Timothy Alan Simon
California Public Utilities Commission
505 Van Ness Avenue, Rm. 5213
San Francisco, CA 94102

Administrative Law Judge
ALJ Victor D. Ryerson
California Public Utilities Commission
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Mr. Thomas C. Esher
President & General Manager
Red & White Ferries, Inc.
Pier 43½
San Francisco, CA 94113

Taylor Safford
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101 East Sir Francis Drake Blvd.
Larkspur, CA 94939-1899

David Miller, Esq.
Hanson Bridgett LLP
425 Market Street, 26th Floor
San Francisco, CA 94105

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

Application of RED & WHITE FERRIES, INC. for a Certificate of Public Convenience Necessity 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, and to establish a Zone of Rate Freedom.	A. 09 01 016 **Assigned Commissioner:** Timothy Alan Simon **Assigned ALJ:** Victor D. Ryerson

JOINT NOTICE OF EX PARTE COMMUNICATION

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BLUE & GOLD FLEET, LP

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Attorneys for Protestant
Golden Gate Bridge, Highway and
Transportation District

27

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

Application of RED & WHITE FERRIES, INC. for a Certificate of Public Convenience Necessity 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, and to establish a Zone of Rate Freedom.	A. 09 01 016 **Assigned Commissioner:** Timothy Alan Simon **Assigned ALJ:** Victor D. Ryerson

JOINT NOTICE OF EX PARTE COMMUNICATION

TO THE HONORABLE ADMINISTRATIVE JUDGE VICTOR RYERSON AND ALL PARTIES OF RECORD:

Pursuant to Rule 8.3 of the Commission's Rules of Practices and Procedures ("Rule 8.3"), Golden Gate Bridge, Highway and Transportation District (the "District") and Blue & Gold Fleet, LP ("B & G"), respectively, as Protestants in the above-captioned matter, hereby jointly file the following Joint Notice of Ex Parte Communication.

On Tuesday, March 17, 2009, William D. Taylor, as counsel for the District, and Daniel F. Reidy, as counsel for B & G, met with Robert M. Mason, III, Esq., Legal and Transportation Advisor to Commissioner Timothy A. Simon, at the Commission's offices in San Francisco. Other than Messrs. Taylor, Reidy, and Mason, no other persons were present at the meeting. The conference commenced at 10:10 a.m. and concluded at 10:45 a.m. During the meeting, no materials were distributed to Mr. Mason.

The meeting was a follow-up to an earlier session between Mr. Mason and Thomas MacBride, counsel for Red and White Ferries, Inc. ("RWF") (see Notice of Ex Parte Communication dated March 13, 2009, submitted by Mr. MacBride).

In the course of the meeting, Mr. Taylor emphasized that for the reasons set forth in the District's Protest, as well as the Motion to Dismiss, the subject Application was legally and procedurally defective and could and does not support any of the interim and permanent relief sought by RWF in this proceeding. In this regard, Mr. Taylor reiterated that RWF had no authority or right to use the District's Sausalito landing for any purpose connected with the proposed service. In addition, Mr. Taylor expressed that RWF had ignored the specific provisions of California Public Utilities Code 562.

Accordingly, Mr. Taylor expressed the view that the Application was premature and should either be refiled or amended to cure its many defects. To that end, Mr. Taylor urged that Mr. Mason read the pleadings recently submitted by the District to formally deal with these shortcomings, particularly the pending Motion to Dismiss, as well as the Motion to Strike RWF's Reply. Mr. Taylor opined that RWF's Reply was an extension of the Application and should have been verified in accordance with Commission's procedures.

On behalf of his client, B & G, Mr. Reidy referred to some examples of prior Commission proceedings on applications of vessel common carriers to establish or extend service routes where the docking facilities became a critical factor, either over assurances that the carrier had the right to use an existing dock at times proposed, or, if a carrier had to establish a new docking location, that all environmental concerns were adequately addressed. Mr. Reidy expressed the view that the present Application is not adequate in this regard.

Mr. Reidy also explained that RWF in its Application ignored, and in its Reply to the Protests brushed aside, the standard Commission requirements on vessel common carriers to present complete financial information on projected operating costs and revenues so that the Commission can determine that any profits anticipated for this proposed service are not excessive at the expense of the consumers. Mr. Reidy explained how RWF's proposed fares, combined with the requested Zone of Rate Freedom (ZORF) authority to raise or drop fares by up to 30% on short notice, without prior Commission review or approval, relate to B & G's

published fares which have been fixed by the Commission. Also, Mr. Reidy summarized the disclosures that B & G is required to make to the Commission about its financial affairs, revenues, operating expenses and profits, and Mr. Reidy stated that it would be unfair if RWF should be permitted to avoid making similar disclosures about its financial affairs and operations.

Like Mr. Taylor, Mr. Reidy emphasized that in addition to all of its other problems, the Application proposed a certificate that totally abrogates the Commission's continuing oversight jurisdiction to maintain the proposed services.

In the course of the comments offered by both Mr. Taylor and Mr. Reidy, Mr. Mason asked about the present services of the District and by B & G to accommodate "bike traffic" between San Francisco and Sausalito. Mr. Reidy responded by referring to the current schedules offered by B & G, as well as the specific attributes to attract biking clients. Mr. Taylor did likewise, explaining that the District regularly works with the bike rental companies to track passenger load demands. In addition, Mr. Taylor expressed that the District has significantly increased bike racks and other amenities on its vessels to serve this particular ridership segment.

Mr. Taylor also reported that at a recent meeting of Sausalito's City Council, a District representative was asked to and did make a presentation as to the District's "bike-related" services and how it is preparing to work with the City and the bike rental companies to accommodate ridership as summer approaches. Mr. Reidy indicated that a representative of his client also made a statement to the City Council to explain the manner in which B & G does and will serve bicyclists. Mr. Taylor offered that a spokesperson for RWF also addressed the City Council which took no formal position on the Application one way or the other.

To obtain a copy of this Joint Notice, contact either William D. Taylor at Hanson Bridgett LLP, 980 Ninth Street, Suite 1500, Sacramento, CA 95814, (910) 551-2939, e-mail:

wtaylor@hansonbridgett.com or Daniel F. Reidy, at Law Offices of Daniel F. Reidy, Ph.D., 3701 Sacramento, Street, Suite 386, San Francisco, CA 94118, e-mail: dfreidy@pacbell.net.

Dated: March 20, 2009

Respectfully submitted,

HANSON BRIDGETT LLP

By: /s/ William D. Taylor
William D. Taylor
Attorneys for Protestant
Golden Gate Bridge, Highway and Transportation District

LAW OFFICES OF DANIEL F. REIDY, Ph.D.

By: /s/ Daniel F. Reidy
Daniel F. Reidy
Attorneys for Protestant
Blue & Gold Fleet, LLP

CERTIFICATE OF SERVICE

I, Kim L. Hering, certify that I have on this 20th day of March 2009 caused a copy of the foregoing:

JOINT NOTICE OF EX PARTE COMMUNICATION

to be served on all known parties to A.09-01-016 listed on the most recently updated service list available on the California Public Utilities Commission website, via email to those listed with email addresses and via U.S. mail to those without email service. I also caused courtesy copies to be hand-delivered as follows:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 20th day of March 2009 at Sacramento, California.

/s/ Kim L. Hering
Kim L. Hering

SERVICE LIST BY EMAIL - CPUC Proceeding A. 09-01-016

Judge Victor D. Ryerson — **Administrative Law Judge**
vdr@cpuc.ca.gov

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dfreidy@pacbell.net

Thomas J. MacBride, Jr., Esq. — **Counsel for Red & White Ferries, Inc.**
tmacbride@goodinmacbride.com

David J. Miller, Esq. — **Counsel for Golden Gate Bridge, Highway and Transportation District**
dmiller@hansonbridgett.com

SERVICE BY U.S. MAIL

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Commissioner Timothy Alan Simon
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505 Van Ness Avenue, Rm. 5213
San Francisco, CA 94102

Administrative Law Judge
ALJ Victor D. Ryerson
California Public Utilities Commission
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President & General Manager
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Sausalito City Hall
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Sausalito City Attorney
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3501 Civic Center Drive, #303
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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the 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 43 ½ on the other hand and to establish a Zone of Rate Freedom

Application No. 09-01-016

JOINDER IN MOTION OF PROTESTANT GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT TO DISMISS THE APPLICATION OF RED & WHITE FERRIES, INC.

Daniel F. Reidy, Esq.
LAW OFFICES OF DANIEL F. REIDY,
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Attorney for Protestant
BLUE & GOLD FLEET, LP

Date: March 18, 2009

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the 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 43 ½ on the other hand and to establish a Zone of Rate Freedom

/

Application No. 09-01-016

Assigned Commissioner: Timothy Alan Simon
Assigned ALJ: Victor D. Ryerson

JOINDER IN MOTION OF PROTESTANT GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT TO DISMISS THE APPLICATION OF RED & WHITE FERRIES, INC.

Pursuant to Rules 11.1 and 11.2 of the Commission's Rules of Practice and Procedure, Daniel F. Reidy, Esq., authorized representative of Protestant BLUE & GOLD FLEET, LP, hereby files this Joinder in Motion of Protestant Golden Gate Bridge, Highway and Transportation District (the "District") to Dismiss the Application of Red & White Ferries, Inc..

Commission Rule 3.3(a)(4) requires applications for vessel common carriers to operate on a service route to contain the following information: "(4) The geographical scope of the proposed operation, including the termini and other points proposed to be served, and a concise narrative description of the proposed route." In its Application, Applicant Red & White Ferries, Inc. did not precisely identify the proposed service route terminal in Sausalito and did not give a narrative description explaining that it had secured docking rights in Sausalito. Both Protestant Blue & Gold Fleet and Protestant District pointed out these deficiencies in their Protests filed herein. Subsequently, Applicant Red & White Ferries, Inc. filed an unverified Reply to the Protests in which the Applicant indicated that a Letter Permit from the District dated July 24, 1997 provided sufficient evidence that it had secured docking rights in Sausalito for its proposed regularly scheduled ferry passenger service. In both its Motion to Strike Reply of

Applicant Red & White Ferries, Inc. and in its Motion to Dismiss the Application, the District clearly shows that Applicant Red & White Ferries, Inc. has not secured docking rights at the District's terminal in Sausalito for its proposed regularly scheduled ferry passenger service.

Protestant Blue & Gold Fleet understands from its own experience and operations the difference between permitted "occasional use" of the District's docking facilities at Sausalito and the right to use the District's dock in Sausalito for regularly scheduled daily service. As evidenced by the attached Declaration of Carolyn Horgan, General Manager of Blue & Gold Fleet, LP, Blue & Gold Fleet has a similar Letter Permit from the District dated June 30, 1997 that permits Blue & Gold Fleet to have occasional use of the District's dock in Sausalito with similar conditions as those in Red & White Ferries' Letter Permit: the carrier must obtain permission from the District for each and every use of the District's docking facilities at least 7 days in advance and pay a docking fee of $75.00 per use, and the District reserved the right to withhold permission for docking for any reason. This Letter Permit was signed on behalf of Blue & Gold Fleet on August 16, 1997 and returned to the District. A true copy of this Letter Permit is attached to Carolyn Horgan's Declaration as Exhibit 1. Blue & Gold Fleet occasionally makes use of this Letter Permit to schedule charter trips using the District's docking facilities in Sausalito for special events such as weddings or corporate parties. Blue & Gold Fleet's Letter Permit states that: "This agreement does not pertain to dockings at Sausalito specifically allowed by the California PUC."

Blue & Gold Fleet's right to use the District's docking facilities in Sausalito for its Commission-regulated regularly scheduled passenger service is documented in a separate letter agreement from the District dated June 26, 1997, a true copy of which is attached to Carolyn Horgan's Declaration as Exhibit 2. In 1997, Blue & Gold Fleet took over certain routes and properties owned by Harbor Carriers, Inc., the "old" Red & White Fleet, including the Sausalito to Fisherman's Wharf regularly scheduled passenger service. This letter sets forth the terms and conditions for PUC-regulated scheduled daily round trips between Fisherman's Wharf and Sausalito and specifies a monthly rental sum of $2,639 as of July 1997. While the schedule and monthly docking fees have been

adjusted between the parties over time, the District has consistently required that Blue & Gold Fleet's scheduled trips do not interfere with the District's schedule of commuter trips in the early mornings and late afternoon-early evening times. This letter agreement specifically noted that the authority and conditions for this regular use was distinct from the separate Permit granted to Blue & Gold Fleet "for casual charter use." This letter agreement for regular use of the Sausalito docking facilities was signed on behalf of Blue & Gold Fleet on August 16, 1997 and returned to the District. As is obvious from Protestant District's recent filings, Applicant Red & White Ferries, Inc. is not a party to a similar letter agreement with the District.

Protestant Blue & Gold Fleet agrees with the principal point in Protestant District's Motion to Dismiss the Application that the Application is fatally defective because of its failure to show that Red & White Ferries has secured docking rights at the District's docking facilities in Sausalito or at any other location in Sausalito and therefore joins with Protestant District in urging that the Application should be dismissed forthwith.

Respectfully submitted,

Dated: March 18, 2009

/s/ Daniel F. Reidy

Daniel F. Reidy, Esq.
Attorney for Protestant
BLUE & GOLD FLEET, LLP

CERTIFICATE OF SERVICE

I, BRENDA D. REIDY, hereby certify and declare as follows:

I am a citizen of the United States over the age of eighteen years, and I am not a party to this proceeding. My business address is 3701 Sacramento Street, # 386, San Francisco, California 94118. On the date stated below, I served the following document:

JOINDER IN MOTION OF PROTESTANT GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT TO DISMISS THE APPLICATION OF RED & WHITE FERRIES, INC.

on interested parties by email to those listed with email on the attached service list and for those without listed email service, by placing a true copy thereof enclosed in a sealed envelope on March 18, 2009 by mail with postage thereon fully prepaid, in the United States Post Office at San Francisco, California, addressed as on the attached service list.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at San Francisco, California on March 18, 2009.

/S/
BRENDA D. REIDY

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the 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 43 ½ on the other hand and to establish a Zone of Rate Freedom

Application No. 09-01-016

/

DECLARATION OF CAROLYN HORGAN IN SUPPORT OF JOINDER IN MOTION OF PROTESTANT GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT TO DISMISS THE APPLICATION OF RED & WHITE FERRIES, INC.

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Attorney for Protestant
BLUE & GOLD FLEET, LP

Date: March 18, 2009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the 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 43 ½ on the other hand and to establish a Zone of Rate Freedom

_____/

Application No. 09-01-016

Assigned Commissioner: Timothy Alan Simon
Assigned ALJ: Victor D. Ryerson

DECLARATION OF CAROLYN HORGAN IN SUPPORT OF JOINDER IN MOTION OF PROTESTANT GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT TO DISMISS THE APPLICATION OF RED & WHITE FERRIES, INC.

I, Carolyn Horgan, hereby declare:

1. I am the Vice President of Operations of Blue & Gold Fleet, LP, a Protestant in this Proceeding.

2. I make this Declaration of my own personal knowledge, and if called as a witness, I could and would testify to the facts set forth herein.

3. Included in the business records of Blue & Gold Fleet, LP, is a Letter Permit from the District dated June 30, 1997 that was signed on behalf of Blue & Gold Fleet on August 16, 1997, a true copy of which is attached to this Declaration as Exhibit 1. This Letter Permit is still in effect. It permits Blue & Gold Fleet to have occasional use of the District's docking facilities in Sausalito subject to certain conditions, including that Blue & Gold Fleet must obtain permission from the District for each and every use of the District's docking facilities at least 7 days in advance and pay a docking fee of $75.00 per use, and that the District reserved the right to withhold permission for docking for any reason.

4. Blue & Gold Fleet occasionally makes use of this Letter Permit to schedule loop charter trips using the District's docking facilities in Sausalito for special events

such as weddings or corporate parties. These instances of occasional use of the dock in Sausalito are scheduled at times that will not interfere with the District's own scheduled passenger service trips or with Blue & Gold Fleet's regularly scheduled passenger trips. Blue & Gold Fleet pays the District a docking fee of $75.00 for each such occasional use.

5. Also included in the business records of Blue & Gold Fleet, LP, is a letter agreement from the District dated June 26, 1997 that was signed on behalf of Blue & Gold Fleet on August 16, 1997, a true copy of which is attached to this Declaration as Exhibit 2. In 1997, Blue & Gold Fleet took over certain routes and properties owned by Harbor Carriers, Inc., the "old" Red & White Fleet, including the Sausalito to Fisherman's Wharf regularly scheduled passenger service. This letter agreement sets forth the terms and conditions whereby Blue & Gold Fleet can use the District's docking facilities in Sausalito for PUC-regulated scheduled daily round trips between Fisherman's Wharf and Sausalito for a monthly docking fee of $2,639 as of July 1997. The framework provided by this letter agreement is still in effect, and we pay the District same docking fee each month, although the schedule has been adjusted between the parties over time. The District has consistently required that Blue & Gold Fleet's scheduled trips do not interfere with the schedule of the District's own commuter trips in the early mornings and late afternoon-early evening times.

6. I know from my personal experience as Vice President of Operations of Blue & Gold Fleet that the arrangements we have with the District for using the District's docking facilities in Sausalito for regularly scheduled passenger trips to and from Sausalito on a daily basis as provided for in the June 26, 1997 letter agreement are far different from the arrangements we have with the District for scheduling occasional charter trips to the District's Sausalito dock in off hours from the regularly scheduled uses of the dock by the District itself or by our company.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed this 18th day of March, 2009 at San Francisco, California.

Carolyn Horgan

GOLDEN GATE FERRY  GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

June 30, 1997

Blue & Gold Fleet, L.P.
Pier 39, Box Z-2
San Francisco, CA 94133

RE: **PERMIT FOR OCCASIONAL USE OF DISTRICT DOCKING FACILITIES AT SAUSALITO**

Ladies & Gentlemen:

This letter, when signed by Blue & Gold Fleet, L.P., represents a binding agreement between Blue & Gold Fleet, L.P. and the Golden Gate Bridge, Highway & Transportation District (hereinafter called "the District") in which Blue & Gold Fleet, L.P. agrees to certain terms and conditions in exchange for limited nonexclusive use of the District's docking facilities on dates and at times acceptable to the District. This Agreement may be terminated by the District upon three days' notice for any reason. This agreement does not pertain to dockings at Sausalito specifically allowed by the California PUC.

Blue & Gold Fleet, L.P. agrees to carry General Liability Insurance covering the obligations assumed under this agreement, including bodily injury, death, and property damage with limits of no less than $5,000,000 per occurrence; and, additionally, P&I Insurance covering the obligations assumed under this agreement in the amount of $5,000,000 on each vessel. The General Liability Insurance of $5,000,000 will not be required if the P&I Insurance contains the following endorsement:

> "Property damage, loss of life or bodily injury to any person occurring on wharf and waterfront premises, owned, leased, rented or occupied by the assured, which are used specifically in connection with the operations of the insured vessel, including contractual liability as may be incurred under a written lease, is covered by the above-named policy or policies."

Blue & Gold Fleet, L.P. also agrees to carry Workers' Compensation Insurance in the statute amount and Employer's Liability Insurance of $1,000,000 per accident.

All insurance must be current and in place with the District for a docking request to be considered. It shall be the responsibility of the requestor to renew insurance in a timely fashion without notification from the District.

EXHIBIT "1"

The Golden Gate Bridge, Highway and Transportation District, and the City of Sausalito, and their directors, officers, employees, and agents shall be named as additional insured on the P & I insurance and the General Liability policies, and these insurance policies shall state that the insurance is primary and non-contributing with respect to any insurance that the District or City may carry on its own behalf. Certificate evidence of valid insurance shall be furnished to the District at least ten (10) days prior to use of requested facilities, and all certificates of insurance shall indicate that not less than 30 days' notice will be provided to the District of cancellation or nonrenewal of the coverage or reduction in limits.

Blue & Gold Fleet, L.P. shall assume all risk of damage to their vessel and to any other property of theirs arising from the use of the District's docking facilities. Furthermore, Blue & Gold Fleet, L.P. shall be responsible for any damage to District or City property either real or personal resulting from their use of the docking facilities.

Blue & Gold Fleet, L.P. also agrees to indemnify, keep and save harmless the District and City of Sausalito and their agents, directors, officials, officers, employees and volunteers against any and all suits that may occur, or that may be alleged to have occurred from any cause or causes whatsoever arising from its activities associated with the use of said docking facilities.

Furthermore, it is agreed that Blue & Gold Fleet, L.P. will, at its own expense defend any and all such actions, suits or claims and will, at its own expense, pay all charges of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith; and if any judgment is rendered against the District or the City in any such action, will, at its own expense, satisfy and discharge same.

It is understood and agreed that prior permission must be obtained from the District for each and every use of District docking facilities; and that the request for permission must be made no less than seven (7) days prior to the planned docking.

Requests for dockings shall be in writing with FAX transmittal permitted, and all requests shall be followed by telephone contact by the requestor--Telephone (415) 925-5572 FAX (415) 925-5510. Permission to dock may be given verbally or in writing at the District's option.

A fee, currently in the amount of $75.00 per docking but subject to change, shall be charged by the District for each use of its docking facilities. If this license creates any taxable possessory interest, Blue & Gold Fleet, L.P. shall be responsible for all taxes and assessments. The District may withhold permission for docking for any reason.

Blue & Gold Fleet, L.P. shall comply with all applicable laws, regulations, rules and orders regarding the use of the District docking facilities, at their sole expense, including but not limited to environmental regulations. In the event of leakage or spillage of any hazardous materials by Blue & Gold Fleet, L.P., it shall promptly clean, at its sole expense, the leakage or spillage to the satisfaction of the District, the Environmental Protection Agency and any other public agency having jurisdiction in the matter.

Blue & Gold Fleet, L.P. shall not assign nor sublet, in whole or in part, any rights nor delegate any obligations under this Agreement. No waiver or any default or breach of any condition of this Agreement by either party shall be implied from any omission to take action on account of such default or breach.

If any legal proceedings are instituted by either party to enforce the terms of this Agreement or to determine the rights of the parties under this Agreement, the prevailing party in the proceeding shall receive, in addition to all court costs, reasonable attorneys' fees.

The rights and liabilities of the parties under this Agreement shall be governed by the laws of the State of California.

If the above terms and conditions are acceptable, please have an authorized representative of your company sign this agreement indicating acceptance, and return it to the Golden Gate Ferry, 101 E. Sir Francis Drake Blvd., Larkspur, California, 94939, and retain one copy for your files.

Very truly yours,

Theodore A. Bratz
Terminal Superintendent
Ferry Transit Division

TAB/pm
d42/f177

Blue & Gold Fleet, L.P. agrees to the terms specified in this agreement and I am authorized to sign this agreement on its behalf.

Bill Dedlitzen — 8/16/97
(Signature) (Date)

President
(Title)

GOLDEN GATE FERRY

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

June 26, 1997

Blue & Gold Fleet, L.P.
Pier 39, Box Z-2
San Francisco, CA 94133

Attention: R. M. Duckhorn, President

Dear Ron:

Now that Blue and Gold Fleet has taken over Red & White Fleet's Sausalito to Fisherman's Wharf service, I would like to take the opportunity to offer congratulations and best wishes for every success with your new venture. At the same time, I would like to formalize our new relationship by reminding you of the District's needs regarding use of the Sausalito dock.

As you know, joint usage of the District's Sausalito docking facilities by the District and Red & White Fleet (Harbor Carriers) has been based upon a 1982 ruling by the PUC which allowed Harbor Carriers to use this facility subject to certain conditions. In addition, Red & White Fleet occasionally used the Sausalito facility for casual charters. Based upon the PUC order, the principal conditions for use of the Sausalito facility are set forth below:

1. Use

Golden Gate Bridge, Highway and Transportation District (District) shall permit Blue & Gold to make use of District's Sausalito passenger vessel terminal for Blue & Gold's PUC-mandated passenger ferry service between the Fisherman's Wharf area of San Francisco and Sausalito. Terms for casual charter use of the Sausalito facility are set forth in the attached permit to be executed by Blue & Gold.

2. Schedule for PUC-Mandated Service

Blue & Gold shall adhere to a schedule of six round trips per

EXHIBIT "2"

day, as follows:

Leave Fisherman's Wharf	Arrive Sausalito	Leave Sausalito	Arrive Fisherman's Wharf
11:05 a.m.	11:35 a.m.	11:45 a.m.	12:15 p.m.
12:25 p.m.	12:55 p.m.	1:10 p.m.	1:40 p.m.
1:55 p.m.	2:25 p.m.	2:35 p.m.	3:05 p.m.
3:15 p.m.	3:45 p.m.	3:55 p.m.	4:25 p.m.
4:45 p.m.	5:15 p.m.	5:30 p.m.	6:00 p.m.
6:10 p.m.	6:40 p.m.	6:50 p.m.	7:20 p.m.

Timetable changes shall be submitted to the Commission with copies to District and Sausalito at least 10 days before their effective date. In the past, Red & White did not comply with this notification requirement for schedule changes. While the District is willing to consider reasonable changes, we expect to be notified at least 10 (ten) days prior to implementation.

3. Noninterference

Neither District nor Blue & Gold shall, by act or omission, interfere with each other's passenger vessel operations.

4. Rent

For the use of District's Sausalito facility for PUC-mandated service, Blue & Gold shall pay to District a monthly sum of $2,639. Payment shall be made in advance on or before the first day of each month. For any period less than a month, payment shall be made in advance on a pro rata basis. Assuming that the PUC Order is transferrable and thus applicable to Blue & Gold's Sausalito operations, we would understand that the PUC's "Final Order" would now apply to Blue & Gold Fleet, L.P.. Our records indicate the last payment was received from Red & White Fleet in the amount of $2,639.00 for the month of June 1997. Please submit the July rental payment to:

Golden Gate Bridge, Highway & Transportation District
P.O. Box 9000, Presidio Station
San Francisco, CA 94129-0601
Attention: Accounting

Payment for casual use of the Sausalito facility is set forth in the attached permit.

5. Insurance and Indemnification

With respect to insurance and indemnification, the District's requirement will be the same for both casual use of the Sausalito docking facilities and for the PUC mandated use. As you know, we require $5,000,000 P&I Insurance and $5,000,000 of General Liability coverage with the District and the City

of Sausalito being named as additional insured on both policies. The policies also need to be primary and non-contributing with respect to insurance carried by the District or the City of Sausalito with 30 days' notice of cancellation or non-renewal provided. Additionally, Workers' Compensation insurance coverage is required in the statutory amount and Employers' Liability insurance is required in the amount of $1,000,000.

In continuing the use of the Sausalito facility, Blue & Gold Fleet, L.P. assumes all risk of damage to its own property and to the District's and the City of Sausalito's property and agrees to indemnify (including attorneys' fees) and hold harmless and defend at Blue & Gold's expense the District and the City of Sausalito against any suits, claims or actions that may arise from Blue & Gold's use of the Sausalito docking facilities.

Please execute this document and the attached permit to indicate acceptance and return them to me. Also, please forward the required insurance documentation to cover the PUC-mandated, as well as casual usage of District facilities at Sausalito.

Please contact me if you wish to discuss this further.

Yours truly,

Eric Robinson

E. A. Robinson
Manager, Ferry Transit Division

EAR/pm
d42/0177

Encl. (1) Permit for Occasional Use of District Docking Facilities at Sausalito

Blue & Gold Fleet, L.P. agrees to the terms specified in this letter and I am authorized to sign this agreement on its behalf.

Signature

8/16/97
Date

President
Title

CERTIFICATE OF SERVICE

I, BRENDA D. REIDY, hereby certify and declare as follows:

I am a citizen of the United States over the age of eighteen years, and I am not a party to this proceeding. My business address is 3701 Sacramento Street, # 386, San Francisco, California 94118. On the date stated below, I served the following document:

DECLARATION OF CAROLYN HORGAN IN SUPPORT OF JOINDER IN MOTION OF PROTESTANT GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT TO DISMISS THE APPLICATION OF RED & WHITE FERRIES, INC.

on interested parties by email to those listed with email on the attached service list and for those without listed email service, by placing a true copy thereof enclosed in a sealed envelope on March 18, 2009 by mail with postage thereon fully prepaid, in the United States Post Office at San Francisco, California, addressed as on the attached service list.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at San Francisco, California on March 18, 2009.

Brenda D. Reidy

/S/

BRENDA D. REIDY

SERVICE LIST BY EMAIL – CPUC Proceeding A.09-01-016

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