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Decision No. 11681

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
FRANK L. SYLVA & SON for a certificate :
of public convenience and necessity to :
operate freight service between Marys- : Application No. 8564
ville and Downieville, via Dobbins and)
Camptonville, California. :
)

Crofton & Wetmore by Frank A. Duryea
for applicants.

W. P. Rich for Henry Gorman and Pauly
Bros., Protestants.

BY THE COMMISSION,

O P I N I O N

The above entitled application was heard before Examiner Eddy at Marysville on February 8, 1923.

By our Decision No. 11623 of February 6th, a certificate of public convenience and necessity was granted to E. C. Coats of Marysville to operate a daily freight service from May 1 to November 1 between Marysville and Downieville, serving the intermediate points of Dobbins and Camptonville. Dobbins, Camptonville and Downieville are respectively 32, 48 and 69 miles from Marysville. There is but one store at Dobbins and prior to 1922 all merchandise therefore was hauled from Marysville in its own truck. Last year, however, the hauling was done for them by the applicants who found it necessary to make from one to three trips a week. In 1921 the applicants operated

a truck into Downieville on a more or less regular schedule. Although the application sets forth an intention to operate a service from Marysville to Downieville twice a week throughout the year, it is very doubtful if the condition of the roads or the amount of business offered would warrant the service.

The applicant testified that he would not want to serve Downieville in the winter time if he could not have the summer run also and furthermore that if someone else had been granted a certificate from Marysville to Downieville he would not want to run to the latter place "summer or winter." When on the stand he admitted that there was not sufficient traffic along the route to warrant the operation of two lines on a regular schedule either to Dobbins or Downieville. Other than the applicant himself no one appeared to testify in support of the application.

The record fails to show that public convenience and necessity require the operation by the applicant of a freight service between Marysville and Downieville and an order to that effect will be entered.

ORDER

A public hearing having been held upon the above entitled application, evidence submitted and the Commission being fully advised,

IT IS HEREBY ORDERED that the above entitled application be, and the same hereby is denied.

Dated at San Francisco, California, this 26th day of February, 1923.

C. L. Seaver

Waring Martin
John Shore

J. D. Whittier
Commissioners