

Decision No. 11864

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
EMIL J. KLEINSMITH, for certificate)
of public convenience and necessity)
to operate passenger service between)
Santa Monica, California and Los)
Flores Canyon, Los Angeles County.)

ORIGINAL

Application No. 8450.

S. J. Crawford for Applicant.
R. E. Wedekind for Pacific Electric Railway,
Protestant.
J. H. Ward for Thomas E. Cheney, Protestant.
L. V. Cady for Dolly Pritchard, Protestant.

BY THE COMMISSION:

O P I N I O N

Applicant herein asks a certificate of public convenience and necessity to operate automobile passenger service between Santa Monica and Los Flores Canyon, in Los Angeles County. At a public hearing conducted by Examiner Williams at Los Angeles a number of witnesses testified to the need and usefulness of that portion of the service between Topango Canyon and Los Flores Canyon, but not between Santa Monica and Topango Canyon, which was being given service under proper authority by Thomas E. Cheney under Decision No. 11553 on Application No. 8595. Subsequent to the hearing on the application herein, Kleinsmith was permitted to acquire by purchase all of Cheney's rights. This acquisition was made by applicant herein in order that he would be able to give service to both Topango and Los Flores Canyons by one operation. Applicant now being in possession of the major operating right this Commission finds that public convenience and necessity require only an

additional certificate to operate from the entrance to Topango Canyon westerly along the beach road to Los Flores Canyon, terminating at the service station in the Canyon, and that this become a part of applicant's other operation.

O R D E R

Emil J. Kleinsmith having applied to the Railroad Commission for a certificate of public convenience and necessity to operate passenger service between Santa Monica and Los Flores Canyon, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation of service proposed by applicant only for that portion of the route proposed between Topango Canyon entrance and Los Flores Canyon and no other part over and along the following route:

The beach highway between Topango Canyon
and Los Flores Canyon

And that a certificate of public convenience and necessity be and the same hereby is granted therefor on the following conditions:

- I - That applicant file within fifteen (15) days after date hereof his stipulation accepting the certificate herein granted as an extension of the operating rights acquired by said applicant under Decision No. 11553 on Application No. 8595 and not as a new or separate certificate.
- II - That applicant, Emil J. Kleinsmith, shall file within fifteen (15) days from date hereof, his written acceptance of the certificate herein granted, and shall file within thirty (30) days of the date hereof, duplicate tariff of rates and time schedules, in accordance with General Order No. 51 of the Railroad Commission.

III - That applicant, Emil J. Kleinsmith, shall not sell, lease, assign or discontinue the service herein authorized, unless such sale, lease, assignment, or discontinuance shall have been authorized by the Railroad Commission.

IV - That no vehicle shall be operated by applicant unless such vehicles are owned by said applicant, or are leased under an agreement satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 30th day
of March, 1923.

C. L. Seavey
H. B. Brundage
David Martin

Commissioners.