

Decision No. 12484.
12495

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of
T. J. CRONIN, operating and doing
business under the name and style of
MADERA-WAWONA STAGE LINE, for certi-
ficate of public convenience and
necessity to operate a freight line,
and for an order authorizing a change
in the passenger and express service
and for the extension of the route.

Application No. 8774.

Fee and Ring by W. C. Ring, for Applicant.

Phillip Conley for T. E. Ives, Protestant.

W. E. Simpson for Madera Yosemite Big Trees
Auto Stage Company, Protestant.

BY THE COMMISSION:

O P I N I O N.

T. J. Cronin, conducting business under the fictitious name Madera-Wawona Stage Line, has made application to the Railroad Commission for a certificate of public convenience and necessity to operate a freight line and for an order authorizing a change in passenger and express service and extension of route.

A public hearing herein was conducted by Examiner Williams at Fresno.

Applicant, who is now operating an automobile passenger and express service between termini, asks authority

to suspend between November 1st and April 30th, service between Nippinawasee and Wawona. Applicant gives as his reason for this service the fact that during the months named he is no longer required to carry the United States Mail over that portion of the route for which he asks suspension of service and that maintaining a passenger service alone would be unnecessary and not profitable. Applicant testified that no more than one passenger a month offers himself for such transportation during the winter period. The service beyond Nippinawasee is to summer resorts which have no winter business.

Applicant also asks a certificate to operate passenger service between Raymond and Knowles, a distance of three miles. Applicant's present operations between termini pass through Raymond and it will be convenient for him to make a schedule which will give service to Knowles at the rates and according to the time schedules filed in his Exhibit "B". Applicant is now carrying the United States Mail between Raymond and Knowles and incidental passenger service, it was shown, will be of benefit to the communities.

Applicant also asks for certificate to operate freight transportation between Raymond and Wawona over the same route by which he gives passenger service at this time. Applicant explained that he had no desire to undertake intermediate service but that he did find a necessity for transportation of freight between the termini named. In this connection protest was made by T. E. Ives on the ground that this protestant was already giving service between Raymond and Miami Lodge, an intermediate point. Protestant, however, has no standing as a protestant because his operation has been conducted without proper certi-

ificate. Applicant Cronin testified that he would not oppose an application by Ives to serve all points except Wawona.

Protestant Madera-Yosemite-Big Trees Auto Stage Company withdrew its protest after satisfying itself that the proposed freight and passenger operations of applicant do not conflict with its authorized operating rights. In all other respects, the application was without protest and appears to be an adjustment of the service of an authorized carrier to changed conditions and new needs. We think each of the requests of applicant should be granted.

O R D E R.

T. J. Cronin having made application to the Railroad Commission for certificate of public convenience and necessity to operate freight transportation between Raymond and Wawona, with no intermediate service, and for an order authorizing suspension of passenger service between Nippinnawasee and Wawona during the months of October, November, December, January, February, March and April, and for the extension of passenger and express service from Raymond to Knowles, 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 freight transportation service between Raymond and Wawona exclusive of all intermediate points, via the route of applicant's present established passenger service and that a certificate of public convenience and necessity therefor be and the same hereby is granted, subject to the conditions appended

to this order.

IT IS FURTHER DECLARED, that public convenience and necessity require the extension of applicant's present service between Raymond and Knowles over the main travel highway between termini and that a certificate of public convenience and necessity therefor be and the same hereby is granted subject to the conditions appended to this order.

IT IS FURTHER ORDERED that applicant be and he hereby is permitted to cancel all schedules of passenger service between Nippinnawasee and Wawona from November 1st to April 30th, both inclusive, but that in no way is applicant's schedules as filed under decision Nos. 5971 and 7736, otherwise modified or amended.

The authority herein granted is subject to the following conditions:

- I. - That applicant, T. J. Cronin, shall file within ten (10) days from the date hereof, his written acceptance of the certificate herein granted and shall file within twenty (20) days of the date hereof, duplicate tariff of rates and time schedules, in accordance with General Order No. 51 of the Railroad Commission, and that operation of such service shall begin within a period of thirty (30) days from the date hereof.
- II. - That the applicant, T. J. Cronin, 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.
- III. - 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 14th
day of August, 1923.

C. Seaver

H. B. Brundage

Dwight Martin

