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In the Matter of the Application of ROSS FORSYTH, for certificate of public convenience and necessity to operate a freight and passenger stage service between the City of Fresno and San Joaquin Light & Power Co.'s Camp No. 2, in Fresno County and intermediate points: Also to operate a passenger stage service between the City of Sanger and Junction Camp, in Fresno County.

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) Application No. 8908.

Hugh Powell Graves for the Applicant.
G. D. Thompson for G. W. Cobb, of Cobb & Fletcher, operating the Triangle Transfer Company;
H. E. Hardwick, operating the Fresno and Orange Cove Auto Line.

BY THE COMMISSION:

OPINION

Ross Forsyth has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of passengers and freight between the City of Fresno and San Joaquin Light and Power Company's Camp No. 2 in Fresno County and intermediate points; also for automobile stage line as a common carrier of passengers between the City of Sanger and Junction Camp in Fresno County and intermediate points, together with the authority to establish a connecting link by detour from the proposed route from Fresno to San Joaquin Light and Power Company's Camp No. 2 at a

point known as Academy Road, thence South, a distance of one and one-half miles to the City of Sanger, connecting there with proposed route from Sanger to Junction Camp.

A public hearing on this application was conducted before Examiner Satterwhite at Fresno, the matter was duly submitted and is now ready for decision.

The operative rights herein applied for cover the identical routes formerly covered and served by the Kings River Transportation Company and the proposed fares and rates proposed to be charged for this service and the rules and regulations governing the same are to be identical with those now on file with this Commission heretofore filed by the said Kings River Transportation Company and the proposed time schedule and routes between the points proposed to be served are identical with those now on file with this Commission, heretofore filed by the said Kings River Transportation Company.

There was no opposition to the granting of the proposed service.

The evidence shows that the said Kings River Transportation Company was a partnership composed of J. Y. Scott, Fred S. Kersey and said applicant, Ross Forsyth. The Kings River Transportation Company before its dissolution, exercised the operative rights herein sought by said applicant, Ross Forsyth. J. Y. Scott died on September 24, 1922 and at the time of his death, the Kings River Transportation Company owed debts amounting to \$1686.10 and with assets totaling only \$1543.49. It appears that shortly after J. Y. Scott's death, Fred S. Kersey, one of the partners, disappeared and the applicant in this proceeding has never been able to locate him. The record shows that said Fred S. Kersey, has undoubtedly abandoned his interests in the Kings River Transportation Company and has no intention of meeting his obligations, as a co-partner. This applicant, ever since the death of said J. Y. Scott and the disa-

appearance of Fred S. Kersey has devoted his entire time and efforts towards the operation and management of the service and business of the Kings River Transportation Company, but Fred S. Kersey and the estate of the said J. Y. Scott have failed and refused to pay any of the indebtedness of the Kings River Transportation Company. The record shows that this applicant in the month of April, 1923, in compliance with the laws of this state wound up the business of said Kings River Transportation Company, disposed of all its assets and applied the proceeds obtained therefrom towards paying off the indebtedness of this Company, as far as the same would go, still leaving debts aggregating nearly \$1400.00. The record clearly shows that the Kings River Transportation Company has now ceased to exist and has discontinued operation of the operative rights authorized by this Commission which are now sought by applicant herein.

The applicant offered evidence showing that practically all of the residents living on the route heretofore served by the Kings River Transportation Company are in need of the service proposed.

The proposed detour is desired by applicant that he may successfully consolidate the two routes and make the same one continuous run from Fresno and it is not the intention of the applicant to abandon any portion of the route where the detour is made on the route from Fresno to San Joaquin Light & Power Company's Camp No. 2, but applicant intends to operate the service over both routes and not to abandon either. The route from Sanger to Junction Camp parallels the route from Fresno to San Joaquin Light & Power Company's Camp No. 2 from a point about one and one-half miles northwest of Sanger to Trimmer.

After a careful consideration of the evidence, we are of the opinion and hereby find as a fact that public convenience

and necessity require the service proposed by said applicant and the application should be granted.

O R D E R

A public hearing having been held in the above application, the matter having been submitted and being now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Ross Forsyth of an automobile stage line as a common carrier of passengers and freight between the City of Fresno and San Joaquin Light and Power Company's Camp No. 2 in Fresno County serving Centerville, Piedra, Maxens and other intermediate points; also for automobile stage line as a common carrier of passengers only between the City of Sanger and Junction Camp in Fresno County and intermediate points, together with the authority to establish a connecting link by detour from the proposed route from Fresno to San Joaquin Light and Power Company's Camp No. 2 at a point known as Academy Road, thence South, a distance of one and one-half miles to the City of Sanger, connecting there with proposed route from Sanger to Junction Camp.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is issued to Ross Forsyth, covering the above described routes and in accordance with the following conditions:

1. Applicant will not be permitted to abandon any portion of the route from Fresno to San Joaquin Light and Power Company's Camp No. 2, between the points at which the detour commences and ends.
2. Applicant shall not be permitted to handle local traffic

between Fresno and Sanger.

3. The operative rights and privileges hereby authorized shall not be transferred, leased, sold nor assigned, nor the said service abandoned unless the written consent of the Railroad Commission thereto has first been procured.
4. No vehicle may be operated under this certificate unless such vehicle is owned by applicant herein or is leased by said applicant under a contract or agreement satisfactory to the Railroad Commission.
5. Applicant within twenty (20) days from date herein shall file with the Railroad Commission his schedule and tariffs covering the said proposed service, which is to be in addition to the proposed schedule and tariffs accompanying the application.

Dated at San Francisco, California, this 27th day of August, 1923.

C. Shanny

Irving Martin

J. L. Whittney
Commissioners