

Decision No. 12863

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of  
 THOS. B. RILEY to sell and F. F. NELLIST )  
 and D. O. NELLIST, doing business under )  
 the firm name and style of NELLIST BROS. ) Application No. 9483  
 to purchase an automobile passenger )  
 line operated between Eureka and Korbek, )  
 California and Eureka and Arcata, )  
 California.

BY THE COMMISSION,

ORDER DENYING REHEARING

On November 5, 1923, the Commission issued its Decision No. 12786 in the above entitled application in which decision one Thos. B. Riley was authorized to sell and Nellist Bros. to acquire and operate a certain operative right heretofore obtained by Thos. B. Riley between Eureka and Korbek, that portion of the application asking for permission to transfer an operative right heretofore obtained by Riley between Eureka and Arcata being denied due to the fact that a certificate authorizing operation by Riley was issued to him on March 22, 1920 under Decision No. 7296 and though over three years had passed, no operation had ever been afforded by said Riley under such certificate. Accordingly, there is no operative right to transfer.

When upon application this Commission issues a decision declaring that public convenience and necessity require a specified service and grants a certificate therefor and the grantee permits over three years to lapse without rendering any service, the certificate must be declared null and void and cannot after such a

period of time be transferred. Petition for rehearing will be denied.

IT IS HEREBY ORDERED that the petition of Mellist Bros. for rehearing in the above entitled application be, and the same hereby is denied.

Dated at San Francisco, California, this 26<sup>th</sup> day of November, 1923.

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Commissioners