

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of J. B. GRISSEL & CO., for certificate of public convenience and necessity to operate an automobile stage line for carrying persons, baggage and light parcels between Nevada City, through Grass Valley, and to the Central Mine near the town of Grass Valley.

Application No. 9243.

In the Matter of the Application of F. H. PIERSON for certificate to operate automobile stage service for carrying persons, baggage and light parcels between Grass Valley and Nevada City and intermediate points, including service to the principal mines in the immediate vicinity of Grass Valley.

Application No. 9337.

John J. Dailey, for applicant in App. 9243.
Nilon & Nilon, by Frank M. Nilon, for applicant in App. 9337, and for the Nevada County Traction Company, amicus curiae.

C. T. White, for Healy-Tibbitts Construction Company.

BY THE COMMISSION:

O P I N I O N

J. B. Grissel and J. F. Dolan, co-partners under the firm name of J. B. Grissel & Company, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile stage line as a common carrier of passengers, baggage and light parcels between Nevada City and

Central Mine, serving the City of Grass Valley and other intermediate points.

Applicants propose to charge rates and to operate on a time schedule in accordance with exhibits "A" and "B" attached to said application, using as equipment two White truck chassis, with thirty passenger capacity.

F. H. Pierson 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 persons, baggage and light parcels between Grass Valley and Nevada City and intermediate points, including service to the principal mines in the immediate vicinity of Grass Valley.

Applicant proposes to charge rates and to operate on a time schedule in accordance with Exhibits "A" and "B" attached to said application, using as equipment two White Motor Company, model 50 chassis, mounted with bodies of thirty passenger capacity.

A public hearing on the above named applications was conducted before Examiner Satterwhite at Grass Valley and are now ready for decision. Said applications were consolidated at the hearing for the reason that each applicant proposes to serve the same territory. Each applicant protested the application of the other.

Applicants J. B. Grissel and J. F. Dolan testified in their own behalf and called several witnesses in support of their application.

The evidence shows that the Nevada County Traction Company has for many years last past operated an electric railway line between Nevada City and Grass Valley. This traction company intends to abandon its rail service and proposes to file with this Commission at an early date an application seeking such authority, based upon the facts that the physical condition of its equipment is bad and that its operations can no longer be operated at a profit and that

the majority of the stock holders are favorable to scrapping the entire electric service.

The Central Shaft mine and the Empire mine, employ in all about 600 men who reside at Grass Valley and Nevada City and vicinity and who travel to their work daily. These miners now travel in large part on the electric service and in private machines. There is also more or less travel between these two communities of citizens and business men who reside in each community. The testimony shows that J. B. Grissel is an experienced, reliable and capable stage man and for a long time has operated an authorized stage service between Grass Valley and Forest City and other points. Both applicants J. B. Grissel and J. F. Dolan have lived for many years at Nevada City and are well and favorably known by a large number of residents in each of these communities. It appears that the proposed service of these two applicants has been almost unanimously endorsed by the citizens and business interests of both Grass Valley and Nevada City. The Mine Workers Protective League of Grass Valley, consisting of nearly all the miners working in the mines proposed to be served, have by resolution requested this Commission to authorize the service of J. B. Grissel & Company. Four members of the Board of Supervisors of Nevada County, as well as the Nevada City Chamber of Commerce have also endorsed this service and other city officials in each of these communities have recommended the service. The record shows that public sentiment in these two communities is in favor of the operation of this stage line by local men on the basis that they will be more responsive to its demands. J. B. Grissel will personally drive one of the stages and each of said applicants will give direct attention to the operation of this service.

F. E. Pierson testified in support of his application to the effect that although he had applied personally for the proposed operative rights, it was his plan and purpose, if granted a certi-

ificate, to organize a corporation and to sell the stock thereof to certain of the stockholders and bondholders of the Nevada County Traction Company, who have already indicated to him a willingness to subscribe to stock in such corporation. This applicant indicated that he represented a majority of the stockholders and bondholders of this Traction Company and if the proposed service sought by him was operated by such corporation, it would afford an opportunity to at least a majority of the stockholders and bondholders to recoup some of the losses sustained in the operation of the Nevada County Traction Company. It appears this applicant will not give his personal attention to the operation of this proposed line, but that the proposed corporation would employ a superintendent to take charge of its operations. The record shows that the Nevada County Traction Company has no desire to operate an automobile stage line over the territory which it now serves and has already taken official action indicating its attitude in this regard.

Neither of the above named applicants offered any evidence to show that there was any public necessity for the transportation of light or any kind of parcels between the points to be served. Evidence shows that there is no necessity for the operation of two stage lines between these communities, but that under proper and efficient operation, one stage line can be operated at a profit.

We have carefully considered all the evidence in these proceedings and are of the opinion and hereby find as a fact that the public necessity and convenience require the operation by J. B. Grissel and J. F. Dolan of its proposed service.

After careful consideration of all the evidence, we are of the opinion that the application of F. H. Pierson should be denied.

O R D E R

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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by J. B. Grissel and J. F. Dolan of an automobile stage line as a common carrier of passengers and baggage between Nevada City and Central Mine, serving the City of Grass Valley and intermediate points.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted, subject to the following conditions:

1. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty (20) days from date hereof, such tariff of rates and time schedules to be identical with those attached to the application herein; and shall commence operation of said service within a period of not to exceed sixty (60) days from date hereof.
2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
3. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that the application of F. H. Pierson

be and the same is hereby denied.

Dated at San Francisco, California, this 31st day of
December, 1923.

W. C. Sawyer

Irving Masterson
Everlow Shore

Commissioners.