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Decision No. 14543

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of
G. F. WILLHITE for certificate of
public convenience and necessity to
operate a passenger and freight ex-
press service between Orleans and
Eureka.

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:Application No. 10470
)

Metzler and Mitchell by E. S. Mitchell
for Applicant.

Nelson and Ricks by E. C. Nelson for
West Coast Transit Company, Protestant.

BY THE COMMISSION:

O P I N I O N

In this proceeding G. F. Willhite applies for a certificate of public convenience and necessity authorizing the operation of an automotive stage line as a common carrier of passengers, freight and express between Eureka and Orleans via Arcata, Blue Lake, Hoopa and Weitchpec. Rates to be charged are as set forth in Exhibit "A" attached to the application; time schedule as set forth in Exhibit "B" and equipment as set forth in Exhibit "C" consisting of one Dodge touring car and one Chevrolet delivery truck.

A public hearing on the above entitled application was heard before Examiner Satterwhite at Eureka on February 5, 1925, at which time the matter was submitted and it is now ready for decision.

At the time the hearing was called in this proceeding counsel for applicant appeared and asked for an adjournment to a date to be set later by the Commission stating as his reason therefor that applicant was not available nor did he have available any witnesses on behalf of applicant. He read into the record a telegram from applicant to the effect that he was unable to appear due to illness. This telegram was in the form of a typewritten message on plain paper with no time and date, counsel for applicant stating that it was telephoned to him. Protestant, West Coast Transit Company, produced two witnesses whom they had brought from Orleans, the home town of applicant herein, who testified in effect that immediately prior to their leaving Orleans to attend the hearing applicant was in good health, was spoken to by such witnesses and seen about the town of Orleans.

In view of the fact that request had been made by applicant for an early hearing; that the Commission's representatives went from San Francisco to Eureka, a distance of approximately three hundred miles, to hear this proceeding; that applicant failed to appear or present through counsel any testimony through witnesses as to the necessity for the service which he proposed and it further appearing that the territory proposed to be served by applicant is at the present time adequately served by the West Coast Transit Company, a large concern with adequate amount of passenger and freight equipment, we hereby find as a fact that public convenience and necessity does not require the operation by applicant of automotive passenger and freight service as proposed in the instant application. An order will be entered accordingly.

ORDER

A public hearing having been held in the above entitled proceeding, evidence introduced, the matter submitted and the Commission being fully advised,

IT IS HEREBY ORDERED that the above entitled application be and the same hereby is denied.

Dated at San Francisco, California, this 9th day of
February, 1925.

H. A. Brundage
Oliver F. Egerton
George D. Squires
Emmett
Commissioners.