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Decision No. 14572

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of )  
PENNOYER'S DESCANSO & ALPINE STAGE )  
LINE for certificate of public con- :  
venience and necessity to operate : Application No. 10666  
passenger and express service between )  
San Diego and Resort. )  
:  
)

BY THE COMMISSION:

PRELIMINARY ORDER

C. H. Pennoyer has been operating an auto service for the transportation of passengers and express between San Diego and Descanso and a passenger, freight and express service between Descanso and Resort. His Descanso-Resort operation was authorized by the Railroad Commission in its order on Application No. 9322, transferring to Pennoyer an operating right granted to one G. L. Terry. Recently Pennoyer, in Application No. 10666, asked for authority to link up the two routes and establish through service. It has now developed that notwithstanding operation by Pennoyer between San Diego and Descanso for several years, there is doubt as to the legality of said operation between these points, Pennoyer having failed to secure approval by the Commission of the transfer to him of the operating right of the McCain Stage Company whose stage line he had purchased.

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The line had been established, according to tariffs filed by Homer Nicholson, prior to May 1, 1917, and operation by Pennoyer has been continuous since the time he acquired it from Nicholson. His failure to secure approval of the transfer was due to poor legal advice.

Pennoyer has acted in good faith throughout and because of this fact and the further fact that discontinuance of the San Diego-Descanso service will work a hardship on the public served for so many years by Pennoyer, we believe that he should be permitted to continue the service pending final determination of his rights by the Commission on Application No. 10666 which application has been set for hearing on March 14, 1925.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
HEREBY DECLARES that public convenience and necessity require the operation of an auto service for the transportation of passengers and express between San Diego and Descanso and intermediate points.

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

Certificate granted in this preliminary order shall be temporary, and shall become void on issuance of permanent order on Application No. 10666.

Service under authority of this preliminary

order shall be given in accordance with tariffs  
and time schedules now on file with the  
Railroad Commission under the name of Penoyer's-  
Descanso-Alpine Stage and covering service bet-  
ween San Diego and Descanso and intermediate  
points.

Dated at San Francisco, California, this 12<sup>th</sup> day  
of February, 1925.

H. N. Brundage  
C. Seaver  
E. J. Schenck  
Commissioners