

Decision No. 14709

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
TITO FANUCCI for a certificate of)
Public Convenience and Necessity)
to operate motor coach passenger) APPLICATION NO. 10691
service between Mountain View and)
Oakland, California.)

F. J. Mannix and Irvine Leroy for applicant.
J. E. McCurdy for Pacific Auto Stages and
Peninsula Rapid Transit Co., protestants.
Harry A. Encell and Jas. A. Miller for
Peerless Stages, Inc., protestant.
A. L. Whittle for Key System Transit Co., protestant.
J. F. Maloney for Maloney & Gilson, protestants.
F. W. Mielke and I. L. Kelly for Southern Pacific
Company, protestant.
Norman A. Malcolm for Town of Mt. View.

DECOTO, COMMISSIONER -

O P I N I O N

This proceeding, as amended, is an application by
Tito Fanucci of Mt. View, Santa Clara County, for a certifi-
cate of convenience and necessity under which to operate an
auto service for the transportation of passengers between the
Town of Mt. View and the City of Oakland and certain inter -
mediate points.

Public hearings were held at San Francisco on
February 13, 1925, February 20, 1925, and March 13, 1925.

The original application proposed the establishment
of service between Mt. View and Oakland via Palo Alto and
points north thereof to Redwood City, thence to points on
the east side of San Francisco bay via Dumbarton Bridge.
An amended application filed during the hearings proposed
service via Alviso and Milpitas, eliminating the proposed

service to all points north of Palo Alto. By stipulation counsel for applicant agreed to withdraw application for authority to serve locally points between Oakland and Niles.

Applicant made no affirmative showing as to the probable number of passengers proposed to be served in the territory between Mt. View and Milpitas. Neither was any evidence presented showing that the Peerless Stages, Inc., an authorized carrier, was not adequately serving the territory between Milpitas and Oakland over which applicant proposed to operate, nor was any convincing evidence produced to the effect that the territory between Palo Alto and Mt. View was not being adequately served by the Peninsula Rapid Transit Company, the Pacific Auto Stages and the Southern Pacific Railroad.

It was further declared at the hearing that the applicant did not desire to operate solely between Mt. View and Milpitas and no evidence was produced at the hearing to show any public necessity for such service.

From all the evidence herein it clearly appears, and I hereby find as a fact that no public necessity or convenience has been shown justifying the granting of the desired certificate.

I recommend that the application be denied in accordance with the following form of order:

O R D E R

A public hearing having been held in the above entitled application, the matter having been duly submitted, the Commission being now fully advised and basing its order on the findings of fact as appearing in the opinion which precedes this order,

THE RAILROAD COMMISSION hereby declares that public convenience and necessity do not require the operation of an auto stage line as a common carrier of passengers between Mt. View and Oakland via Palo Alto and Milpitas and,

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

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 27th day of March, 1925.

W. H. Brundage
C. L. Seaver
Egerton Shore
George D. Squires
Emory Lovett
Commissioners.