ORIGINAL

and the state of the control of the state of

Decision No. 15039

BEFORE THE PAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )
PICKWICK STAGES SYSTEM, a corporation, )
for a certificate of public convenience )
and necessity to operate an automobile )
stage service between San Francisco, )
California, and the California-Oregon )
line north of Cole, California, and )
intermediate points.

Application No.5081 (Supplemental)

Warren E. Libby for Applicant.
Earl A. Bagby for California Transit Company,
Protestant,
Edward Stern for American Railway Express
Company, Protestant,
Sanborn, Rochl and De Lancey C. Smith, by
H. H. Sanborn, for Shasta Transit Company,
Protestant,
H. W. Hobbs for Southern Pacific Company,
Protestant.

BY THE COMMISSION -

. . . . . . .

## ORDER OF DISMISSAL

Pickwick Stages System, a corporation, has petitioned the Railroad Commission for an order amending the decision hereto—fore made by this Commission in this proceeding on March 2,1920, (Decision No.7209) by eliminating therefrom the restrictions against local service as therein contained as regards the territory between Redding and the California-Oregon line, such restrictions being referred to as appearing in the decision and reading as follows:

"\*\*\*\*provided, however, that the authority hereby conveyed does not authorize the carriage of any local passengers between Oskland and Davis; that no local passengers are to be carried between Woodland and the California-Oregon Line unless vacant seats are available in the equipment operated by applicant and such vacant seats are not required for the accommodation of through passengers between points in the State of California and points in the State of California and points in the State of Oregon; and provided, further, that no authority is herein conveyed for the establishment of any local line between any of the intermediate points on the through route herein authorized; \*\*\*."

At the hearing on this supplemental application protestants moved for a dismissal of the supplemental application for the reason that the Commission was without jurisdiction to hear or decide such supplemental application. Protestants direct attention to the fact that by the prograions of Decision No.14484 on Application No.8067 as decided January 17, 1925, the Commission granted a new certificate in lieu of certain operative rights theretofore existing by reason of authorized certificates, and that all rights now possessed by applicant over the route wherein modification of conditions is sought herein are those conferred by the provisions of said Decision No.14484 as hereinabove referred to, which decision granted rights in lieu of those heretofore authorized by the provisions of Decision No.8067 on the above entitled application.

The Commission having fully considered the motion to dismiss the supplemental application herein and being of the opinion that the certificate heretofore granted by Decision No.7209 on application No.5081 has been superseded by the certificate heretofore granted by the Commission's Decision No.14484 on application No.8067 as decided January 17, 1925, such latter certificate being in lieu of the certificate contained in Decision No.7209, and that the motion for dismissal should be granted.

IT IS HEREBY ORDERED that the supplemental application herein be and the same hereby is dismissed.

Bated at San Francisco, California, this \_\_\_\_\_ day of June,

1925.

Egerlon Shaw

commissioners.