



Applicants propose to charge rates and to operate on a time schedule in accordance with Exhibits "A" and "B" attached to the application, and to use the equipment described on page 2 of said application.

The Southern Pacific Company, American Railway Express Company, the Atchison, Topeka and Santa Fe Railway Company and Dinuba Chamber of Commerce, Dinuba Merchants Bureau and Dinuba Truck Line protested the granting of this application.

A public hearing on said application was conducted by Examiner Satterwhite at Fresno, the matter was submitted and is now ready for decision.

The decision in this matter has been held in abeyance pending a decision in the matter of the Investigation on the Commission's own initiative into the methods and practices of operation by David Schmidt and F. K. Emich, co-partners, in Case No. 2091, in which proceeding order to show cause why the certificate of public convenience and necessity granted to said David Schmidt and F. K. Emich under and by virtue of Decision No. 7973 in Application No. 5904, should not be revoked and annulled.

On July 10, 1925, this Commission rendered its Decision in said Case No. 2091, revoking and annulling said certificate of public convenience and necessity under said Decision No. 7973 and said David Schmidt and F. K. Emich were therein directed to cease and desist from the transportation of property by auto truck as a common carrier between Fresno and Dinuba and intermediate points, being the territory sought to be served

by the applicants in the instant proceeding.

The evidence in this proceeding shows that a considerable volume of freight moves between Fresno and Dinuba and intermediate points proposed to be served by said applicants, but that there was no necessity for the operation of an additional auto truck freight line between the points proposed to be served. The record shows that said David Schmidt and F. K. Emich, in the operation of their authorized truck line, have been rendering satisfactory service between the points proposed to be served by the present applicants and but for the fact that their operative rights have been annulled or revoked there would be no need of any additional truck line

In view of the fact, therefore, that the operative freight rights of said David Schmidt and F. K. Emich have been revoked and annulled, as herein above indicated, we are of the opinion and hereby find as a fact that public convenience and necessity require the proposed freight truck line herein sought by said applicants.

The testimony in this proceeding shows that said applicants, George Harm and Harold Frasher, are competent and experienced truck operators and that each of said applicants are owners and operators of authorized truck lines in the San Joaquin Valley and we are of the opinion that their application should be granted.

O R D E R

A public hearing having been held in the above en-

titled application, the matter having been duly submitted and being now ready for decision, and the Commission being fully advised.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the operation by George Harm and Harold Frasher of an automobile truck line as a common carrier of freight between Fresno and Dinuba and intermediate points, together with the right to serve the territory between Fresno and Dinuba for a distance of five miles on each side of the Highway to be traversed, provided however, that no freight shall be carried between the points of Fresno and Fowler, Fresno and Selma and Fresno and Kingsburg.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for the foregoing freight service 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 the date hereof; and shall file, in duplicate, tariff of rates, fares, rules and regulations, and time schedules within a period of not to exceed twenty (20) days from date hereof, such tariffs of rates and fares, rules and regulations and time schedules to be identical with those attached to the application herein; and shall commence operation of the service herein authorized within a period of not to exceed sixty (60) days from the date hereof, unless the time for commencement of operation hereunder is hereafter extended by a supplemental order of this Commission.

2. The rights and privileges herein authorized may not be assigned, sold, leased, transferred or hypothecated, nor service thereunder discontinued unless the written consent of the Railroad Commission to such assignment, sale, lease, transfer, hypothecation or discontinuance of service has first been secured.

4.

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 and approved by this Commission.

For all other purposes, other than hereinabove specified, the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 22<sup>nd</sup>  
day of July, 1925.

H. B. Brundage

C. Seavey

George D. Quinn

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Commissioners.