

Decision No. 15714

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
HENRY S. MUSGRAVE, for certificate
of public convenience and necessity
to operate passenger and freight ser-
vice between Yreka and Walker in
Siskiyou County, California.

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) Application No. 11588.
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ORIGINAL

Horace V. Ley, for Applicant.

BY THE COMMISSION:

O P I N I O N

In this proceeding Henry S. Musgrave has applied for a certificate of public convenience and necessity authorizing the operation of an automotive truck and stage service for the transportation of freight, express and passengers between Yreka and Walker and intermediate points, the entire route being within Siskiyou County. A tri-weekly service is proposed, applicant's equipment consisting of one Graham Bros. 1-ton truck, to be used for handling both freight and passengers. The proposed rates are shown in the schedule accompanying the application.

A public hearing was held before Examiner Austin at Yreka on September 14, 1925, when evidence was offered, the matter was duly submitted and it is now ready for decision.

The proposed route traverses a mountainous, thinly populated territory, devoted to mining and stock raising. Some farm products originate there, which are marketed in Yreka; the inbound freight consists mostly of supplies and emergency express movements of automobile and machinery parts and accessories. For the past two years applicant has carried the mail over this route, handling also express and passengers, the latter averaging about two a week. Applicant testified he had been advised that a truck license was sufficient to enable him to operate and it was not until shortly before the filing of this application, following receipt of notice from this Commission to take such action, that he learned that his operations had been unlawful.

To perform this service applicant proposes to use one truck, which will be sufficient to meet the needs of the traffic. The route will be operated throughout the year. Applicant appears to be financially able to conduct this service, and to provide the necessary equipment.

A merchant of Yreka testified there was need of this service for handling supplies and passengers. The line has been extensively used by Yreka merchants who have found it dependable. During the summer the residents of this territory occasionally use their own trucks or cars, but in winter they are dependent entirely upon applicant's service.

The granting of this application was not protested.

In our judgment, the record shows a need for this service, so therefore, the application will be granted. Applicant's past operations, although unlawful, appear to have

been conducted in good faith and in ignorance of the obligations imposed by the statute. We do not wish to be understood as establishing a general rule applicable to those who have operated without first obtaining a certificate; each case must be determined on its merits.

The schedule of rates and fares accompanying the application is indefinite in that it does not specifically provide the rates and fares between the points to be served. Applicant will be expected to file a tariff in a form satisfactory to the Commission.

Upon full consideration of the evidence we are of the opinion and hereby find as a fact that public convenience and necessity require the operation by Henry S. Musgrave of an automotive truck and stage service, as a transportation company, for the transportation of freight, express and passengers for compensation between Yreka and Walker, in Siskiyou County, and intermediate points, over and along the following route, viz: via the state highway from Yreka to Hawkinsville, and thence via the county road, known as the Humbug Road, to Walker.

An order will be entered accordingly.

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 finding of fact which appears in the opinion preceding this order:

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
hereby declares that public convenience and necessity require

the operation by Henry S. Musgrave of an automotive truck and stage service, as a transportation company, for the transportation of freight, express and passengers for compensation between Yreka and Walker, in Siskiyou County, and intermediate points, over and along the following route, viz., via the state highway from Yreka to Hawkinsville, and thence via the county road known as the Humberg Road to Walker.

IT IS HEREBY ORDERED, that a certificate of public convenience and necessity be and the same is hereby granted to said Henry S. Musgrave to conduct the service hereinabove described, 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 date hereof; shall file, in duplicate, tariff of rates, fares and time schedules in a form satisfactory to the Commission, within a period of not to exceed twenty (20) days from date hereof; and shall commence the operation of the service herein authorized within a period of not to exceed thirty (30) days from date hereof.

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

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 the Railroad Commission.

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

Dated at San Francisco, California, this ^{5th} ~~25th~~ day of

December
~~November~~, 1925.

H. B. ...
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Commissioners.)