

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
A. G. FRUITS, operating under the name )  
of TRES PINOS, NEW IDRIA STAGE LINE, )  
for certificate of public convenience ) Application No. 12736  
and necessity to operate automobile )  
freight service between Tres Pinos and )  
Idria and intermediate points. )

BY THE COMMISSION -

OPINION and ORDER

ORIGINAL

A. G. Fruits has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile service for the transportation of freight between Tres Pinos and Idria and intermediate points.

Applicant proposes to charge rates as set forth in Exhibit "A", give service as shown in Exhibit B, and to use equipment listed in Exhibit "C", all three exhibits being attached to the application herein and made a part thereof.

Granting of this application will not result in the establishment of a new trucking service between Tres Pinos and Idria. Fruits has been operating a passenger and freight service between the points named since prior to May 1, 1917, and continuously since that date. He has on file with the Commission tariffs showing passenger fares and an express rate on commodities limited to a weight of 200 pounds, no rates for commodities weighing in excess of 200 pounds being shown. He has, however, at all times carried freight without regard to weight limit, having the impression that the limit only referred to commodities carried as express. When advised by the Commission that his freight transportation service in excess of the weight limit was a violation of the law applicant promptly filed the instant application.

We are of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted.

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation

by A. G. Fruits of an automobile service for the transportation of freight between Tres Pinos and Idria and intermediate points to include Paicines, Emmett, Summit, Llanada and Vallecitos, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be, and the same hereby is issued to A. G. Fruits, subject to the following conditions:

1- Applicant herein shall file with the Railroad Commission his written acceptance of the certificate herein granted within a period of not to exceed twenty (20) days from date hereof; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty (20) days from date hereof, such tariff of rates and time schedules to be identical with those attached to the application herein, or rates and time schedules satisfactory in form and substance to the Railroad Commission, and shall commence operation of said service 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 other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 23<sup>rd</sup> day of April, 1926.

H. B. Brundage

C. A. Seaver

Ernest W. Smith

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COMMISSIONERS.