

ORIGINAL

Decision No. 16 610

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of B. D. RYAN, doing business under  
the fictitious firm name and style  
of RYAN TRUCK COMPANY, for a certifi-  
cate of public convenience and  
necessity to operate a motor freight  
service within a radius of two hun-  
dred miles of the City Hall in the  
City of Los Angeles, County of Los  
Angeles, State of California, and all  
points intermediate between the most  
distant point and said city of Los  
Angeles, etc.

APPLICATION NO. 11898

Hardy, Elliott & Aberle, by Fred Aberle, Jr.,  
for Applicant.

W. E. Sanson, for Motor Transit Company, Pro-  
testant.

L. C. Zimmerman, for Southern Pacific Company,  
Protestant.

BY THE COMMISSION:

O P I N I O N

Applicant herein, by his amended application filed March 29, 1926, sought a certificate of public convenience and necessity to operate a freight trucking service for the transportation of building stone and materials, and machinery necessary for the installation of such stone and the placing of monuments, to all points within a radius of 200 miles of the City Hall in the city of Los Angeles. The original application, filed October 29, 1925, provided for a movement by applicant of the same commodities between Los Angeles and various termini.

A public hearing herein was conducted by Examiner Williams at Los Angeles.

Applicant testified that he has specially constructed equipment, automotive in character, for the transportation of stone, marble, and marble and composition cemetery monuments, and the machinery and materials for installing the same, and that he conducts a business which receives calls from various sources. He testified that he accepts business from any source and to any point, and that a part of the service rendered is the erection or installation of the stones so transported. All of his movements are of heavy tonnage. Applicant testified that while he covers a large area with his service, 85 per cent of his business is exclusively within the city of Los Angeles, 10 per cent in the communities adjacent to Los Angeles, and 5 per cent to points beyond adjacent communities.

At the conclusion of applicant's testimony his counsel moved a dismissal of the application on the ground that this Commission has no jurisdiction over service of the character performed by applicant. It appears from the record that no testimony was produced showing that applicant conducts or intends to conduct service between fixed termini or over a regular route. An order dismissing the application accordingly will be entered.

#### O R D E R

B. D. Ryan, transacting business under the firm name and style of Ryan Truck Company, having made application to the Railroad Commission for a certificate of public convenience and necessity to operate a motor freight service within a radius of 200 miles of the City Hall in the City of Los Angeles, and all points intermediate between the most distant point and said city of Los Angeles, a

public hearing having been held, the matter having been duly submitted and now being ready for decision,

IT IS HEREBY ORDERED that the application herein be and the same hereby is dismissed for want of jurisdiction.

*May*  
~~May~~ 7, 1926. Dated at San Francisco, California, this 3<sup>d</sup> day of

*H. B. Brundage*  
*C. A. Seaver*  
*Emmeline*

COMMISSIONERS.