

**ORIGINAL**Decision No. 1665-4

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 R. E. O'BRIEN for a certificate of )  
 public convenience and necessity to )  
 operate motor freight trucks to haul )  
 farm products etc., on call, from ) Application No. 11276  
 point to point in San Joaquin, )  
 Stanislaus, Calaveras, Amador and )  
 Tuolumne Counties, California . )

Scott Rex, for applicant,  
 Lafayette J. Smallpage,  
 Herbert C. Coblentz, for Dennis P. Loran, H.J. Armbrust,  
 Joe Orsolini, J.E. Cole, C.F. Henry, Frank Farnham and  
 E. Overgaard and E. Ageson,  
 Ralph C. Edminster, in propria persona,  
 Wm. E. Shinn, in propria persona,  
 G.W. Stout, in propria persona,  
 W.E. Russell, in propria persona,  
 R.L. Beardslee and Thos. S. Louttit for Dawson's Fireproof  
 Storage,  
 Case & Forslund, by E.E. Forslund for Stockton Transfer Co.,  
 Levinsky & Jones, by Arthur L. Levinsky, for San Francisco-  
 Sacramento Railroad Company; Petaluma & Santa Rosa Railroad  
 Company; Sacramento Northern Railroad Company and Central  
 California Traction Company, Protestants,  
 A.A. Johnson and F.W. Mielke for Southern Pacific Co., Protestant,  
 A.S. Weston for American Railway Express Company, Protestant,  
 R.J. Williams and M.E. Utt, for San Joaquin County Farm Bureau  
 Federation, Protestant,  
 W.J. Quinn for the White Lines, Protestant,  
 A.S. Butchart for Sierra Railway Company of California,  
 John W. Johnston for H.F. Wales and R.F. Wales & Son.

BY THE COMMISSION -

ORDER OF DISMISSAL

R.E. O'Brien has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an auto trucking service in the Counties of San Joaquin, Stanislaus, Calaveras, Amador and Tuolumne.

A public hearing was conducted by Examiner Austin at Stockton and the matter submitted. Under date of March 22, 1926, the Railroad Commission advised the applicant, in writing, that the service proposed was not an operation within the meaning of the Auto Stage and Truck Transportation Act in that it was not an operation between fixed points or over a regular route or routes, and that unless within 30 days said application was amended so as to propose a service within the purview of the Act, it would be dismissed without

prejudice. The 30 days have elapsed and no amendment has been filed.

Now, therefore, good cause appearing,

IT IS HEREBY ORDERED that this application be and the same hereby is dismissed without prejudice.

Dated at San Francisco, California, this 4<sup>th</sup> day of <sup>May</sup>~~April~~,  
1926.

H. B. Randall

J. J. Seaman

Edward L. ...

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COMMISSIONERS.