

Decision No. 16695

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of E. B. COOPER and R. D. NELSON,)
a co-partnership, doing business)
under the firm name and style of)
COOPER and NELSON, for certificate) APPLICATION NO. 12041.
of public convenience and neces-)
sity to operate motor truck trans-)
portation service within the limits)
of the County of San Diego. State)
of California.)

Harold W. Dill, for Applicants.

A. S. Weston and M. Thompson, for American
Railway Express, Protestant.

H. R. Harnish, for Boulevard Express, Pro-
testant.

F. B. Dorsey, for San Diego & Arizona Rail-
way Company, Protestant.

Richard T. Eddy, Intervening for Lewis &
Lindner in Application No. 10967, Protestants
as to any service between San Diego and El
Centro.

BY THE COMMISSION:

ORDER OF DISMISSAL

E. B. Cooper and R. D. Nelson, a co-partnership, doing
business under the firm name and style of Cooper and Nelson, have
petitioned the Railroad Commission for an order declaring that
public convenience and necessity require the operation by them
of a motor truck transportation service within the limits of San
Diego County, California.

A public hearing herein was conducted by Examiner Williams at San Diego on April 30, 1926, and applicants having been previously advised that the service proposed in the application was not an operation within the meaning of the Auto Stage and Truck Transportation Act in that it was not an operation between fixed termini or over a regular route or routes, and continuances having been granted on January 26 and March 25 for the purpose of permitting applicants to amend their application herein; and applicants now at the time of final hearing refusing to make further amendment to their application so as to bring it within the jurisdiction of this Commission;

Now, therefore, good cause appearing,

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

Dated at San Francisco, California, this 10th day of May 1926.

H. B. Brundage

C. Seaver

Leon Whisell

COMMISSIONERS.