

Decision No. 16697

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of C. L. CUTLER for certificate of)
public convenience and necessity)
to operate motor truck transporta-)
tion service within a radius of one) APPLICATION NO. 12043.
hundred and fifty miles from the)
city of San Diego, State of Califor-)
nia.)

Harold W. Dill, for Applicant.

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

H. B. Earnish, 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, Protes-
tants as to any service between San Diego
and El Centro.

BY THE COMMISSION:

ORDER OF DISMISSAL

C. L. Cutler has petitioned the Railroad Commission
for an order declaring that public convenience and necessity
require the operation by him of a motor truck transportation
service within a radius of one hundred and fifty miles from
the city of San Diego, California.

A public hearing herein was conducted by Examiner
Williams at San Diego on April 30, 1926, and applicant 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 applicant to amend his application herein; and applicant now at the time of final hearing refusing to make further amendment to his 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

Chairman

Leon Whitell

COMMISSIONERS.