

Decision No. 16704

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of E. O. PEUGH, doing business
under the firm name and style of
ENCINITAS TRUCKING COMPANY, for
certificate of public convenience
and necessity to operate motor trans-
portation service within a radius of
150 miles from Encinitas, Oceanside
Township, San Diego County, State of
California.

APPLICATION NO. 12097.

Harold W. Dill, for Applicant.

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

E. 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. O. Peugh, doing business under the firm name and style
of Encinitas Trucking Company, has petitioned the Railroad Commis-
sion for an order declaring that public convenience and necessity
require the operation by him of a motor transportation service
within a radius of 150 miles from Encinitas, Oceanside Township,
San Diego County, 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. Burdige

C. Leary

Leon Whitell

COMMISSIONERS.