Decision No. 16976

GRIGINA

No.11612

BEFORE THE RATIROAD COMMISSION OF THE STATE OF CALIFORNIA

) In the Matter of the Application of W. R. HOIMES for a certificate of) public convenience and necessity to operate over the public roads an on call freight and general trucking service between the City of Fresno and vicinity) Application and all places within the area shown on Exhibit "B", also the hauling of household goods and furniture between all places in the area as bounded by the "blue" line on the map shown on Exhibit "B", and all places in California not more than 300 miles distant from Fresno.

Theodore M. Stuart, for applicant, Chas. A. Beck, for San Joaquin Valley Transportation Co., Dinuba Truck Line, Bekins Fireproof Storage; California Highway Express; George Harm Truck Line; Frazier Truck Line; A. L. Morgan; G. C. Scribner; Western Truck Line; C.L.Fortier; Henry Smith; Kings River Transportation Co., C.L.Carl; Cobb & Fletcher, and J.L.Bray, Protestants, Ward Stern for American Bailmay Frances Compare P Edward Stern, for American Railway Express Company, Protestant, I.F.Lyons, E.A. Pyrro, A.B.Mason, for California Canners League, Intervenors, D.O.Collemar, E.T.Lucey, for Atchison, Topeka & Santa Fe Railway Company, Intervenors, Everts, Ewing, Wild & Everts and Dan F. Conway, for Visalia Electric Railroad, Stockton Electric Railroad Company. Central California Traction Co., Sacramento-Northern Railroad Company. San Francisco-Sacramento Railroad Company, Petaluma & Santa Rosa Railroad Co., Protestants, A. E. Snow, for W.R.Miles.Protestant, L. N. Bradshaw, for Southern Pacific Company, Protestants.

BY THE COMMISSION -

ORDER OF DISMISSAL

W. R. Holmes has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an auto trucking service from Fresno to all points not more than 300 miles from Freeno and between all such points.

A public hearing on this application was conducted by Examiner Austin at Fresno and the matter temporarily removed from the calendar following a decision (No.15818) by the Railroad Commission in the matter of the application of Ben Moore for a

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certificate of public convenience and necessity, in which decision the Commission held that it had no certificating jurisdiction over any auto transportation service other than a service between fixed termini or over a regular route.

Theodore M. Stuart, Attorney for the applicant herein, after having secured from the Commission several extensions of time in which to amend said application, or request a dismissal of the application without prejudice, (the last extension of time fixing June 8, 1926, as the date before which any proposed amendment or request for a dismissal must be filed), has not availed himself of the opportunity to amend offered by the Commission.

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 <u>19</u> day of June, 1926.

COMMISSIONERS.

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