

Decision No. 17177**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 CHAS. H. ELLIS for certificate of pub-)
 lic convenience and necessity to operate)
 freight and passenger service between) Application No. 12935.
 Elk Creek and Orland, California, and)
 intermediate points, including Newville)
 and Millsaps, and Orland and Elk Creek.)

BY THE COMMISSION -

OPINION AND ORDER

Chas. H. Ellis, in an amended application, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile service for the transportation of passengers and freight between Orland and Elk Creek and intermediate points, including the communities of Newville and Millsaps.

Applicant proposes to charge fares and rates and to give service in accordance with Exhibits A and B, which exhibits are attached to the application herein and made a part thereof.

In support of his claim that public convenience and necessity require the service he proposes to establish Applicant Ellis makes the declaration that there is now no transportation service being given between the points he proposes to serve via Newville and Millsaps. Elk Creek is served by an authorized automobile line operating out of Willows, by way of Fruto. The records of the Railroad Commission show that the Whitlock Stage, which operated between Orland and Newville and Millsaps, abandoned service with the consent of the Commission. (Decision No. 16968, dated June 19, 1926, issued on Application No. 5828), following loss of mail contract. Ellis, applicant herein, was the successful bidder.

We are of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the operation by Chas. H. Ellis of an automobile service for the transportation of passengers and freight between Elk Creek and Orland and intermediate points via Newville and Millsaps, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be, and the same hereby is granted to Chas. H. Ellis, subject to the following conditions:

1. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed 10 days from the date hereof.
2. Applicant shall file, in duplicate, within a period of not to exceed 20 days from the date hereof, tariff of rates and time schedules, which tariff of rates and time schedules shall be identical with those attached to the application herein or rates and schedules satisfactory in form and substance to the Railroad Commission and shall commence operation of the service herein authorized within a period of not to exceed 30 days from date hereof.
3. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
4. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this Order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 2nd day of August, 1926.

H. B. Brundage

C. S. Sweeney

Leon Whitell

Thos. S. Rauter

Commissioners.