

**ORIGINAL****BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of  
LEE LOUIS MARTELL for certificate of  
public convenience and necessity to  
operate motor freight trucks over the  
public highways as hereinafter described, ) Application  
on call, between points located in the ) No. 11433  
County of Stanislaus and Oakland, Alameda  
County, and the City and County of San  
Francisco. )

N. B. Mc Vay for applicant,  
A. L. Johnson for Chas. Hoagland (App. 11420),  
L. W. Bradshaw for Southern Pacific Company,  
Ed Stern for American Railway Express Company,  
H. A. Butchart for Sierra Railway Co.,  
F. A. Bell for Atchison, Topeka & Santa Fe Railway Co.,  
E. A. Douglass for E. W. Sullivan and A. B. Hinksal,  
E. S. Bent for Bekins Van Lines, California Highway  
Express and Consolidated Furniture Moving Corporation,  
W. J. Quinn for White Lines.

BY THE COMMISSION -

ORDER OF DISMISSAL

Lee Louis Martell has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an auto trucking service between points located in the County of Stanislaus and Oakland and San Francisco.

Public hearings on this application were conducted by Examiner Satterwhite and the matter submitted. Under date of July 16, 1926, the Railroad Commission requested the applicant, in writing, to advise the Commission whether he proposed to operate as a common carrier or as a carrier under private contract. On July 19, 1926, applicant, through his attorney, N. B. Mc Vay, advised that the service he proposed to operate was that of a private contract carrier and requested that an Order of Dismissal be entered in the proceeding. The Railroad Commission has no jurisdiction over any but common carriers.

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 2nd day of

August, 1926.

H. B. Brundage

C. A. Seamy

Leon A. White

Thos. B. Kauter  
COMMISSIONERS.