

ORIGINAL

In the matter of the application of  
GEORGE AVELLAR for certificate of  
public convenience and necessity  
authorizing the operation of auto-  
motive truck service between points  
in Sonoma County and Oakland and  
San Francisco, California.

Application No. 11754.

BY THE COMMISSION:

O P I N I O N

1.

therefrom.

A public hearing on this application was conducted before Examiner Satterwhite at Sonoma, the matter was submitted and is now ready for decision.

Applicant proposes to charge rates, in accordance with Exhibit A, attached to said application. Applicant does not propose to operate any regular time schedule, but equipment will always be available upon call. The equipment proposed consists of one 3-1/2 ton Mack truck and one 2-1/2 ton Mack truck, together with such additional trucks as traffic conditions may require.

In view of certain amendments, the Northwestern Pacific Railroad Company, the American Railway Express Company and the Petaluma & Santa Rosa Railway Company did not protest the granting of said application.

The evidence shows that applicant for six years last past has been engaged in the operation of motor trucks for the transportation of farm products and farm necessities within and between the territory sought to be served. It appears that applicant's operations have consisted chiefly of short hauls between farms and that the territory covered has been within a radius of about twenty (20) miles north and south of Sebastopol and about five (5) miles east and west thereof.

The record shows that applicant has engaged in considerable transportation of rock, sand and gravel from pits located at the Maribelle Gravel Works at Maribelle Park to points within a twenty (20) mile radius of Sebastopol and has also handled considerable fruit and grapes, also hay and

grain from the farming territory within a radius of twenty (20) miles of Sebastopol to the commission houses located in Oakland and San Francisco and applicant's return haul has consisted solely of the return of empty containers to shippers.

After consideration of the evidence, we are of the opinion that the service proposed is not an operation within the meaning of the Auto Stage & Truck Transportation Act in that it is not an operation between fixed points or over a regular route or routes and that, therefore, the application should be dismissed without prejudice.

### O R D E R

A public hearing have been held in the above entitled application, the matter having been submitted and being now ready for decision,

IT IS HEREBY ORDERED that this application be and the same is hereby dismissed without prejudice.

Dated at San Francisco, California, this 5<sup>th</sup> day of October, 1926.

H. B. Brundage

C. L. Seaver

Leon O. Whitely

Commissioners.