

Decision No. 17633

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
LA FRANCE TRUCK COMPANY for certifi-)
cate of public convenience and necessity) Application
to operate freight service between) No. 11667
Los Angeles, California, and Colton,)
California.)

Glen Behmyer, for Applicant,

Phil Jacobson, for Rex Transfer, Granger Truck Line
and Edge Transportation System, Protestants,

George F. Squires, for Pacific Electric Railway
Company, Protestant.

BY THE COMMISSION -

OPINION and ORDER

La France Truck Company, a corporation, has made application to the Railroad Commission for a certificate of public convenience and necessity to operate freight service between Los Angeles and Colton, California. Before the hearing applicant amended to include the city of Beverly Hills, contiguous to the city of Los Angeles.

A public hearing herein was conducted by Examiner Williams at Los Angeles.

Applicant proposes to haul only for one concern, the Oro Grande Lime and Stone Company and the work is to be performed under private contract.

In view of the recent decision of the U. S. Supreme Court in what is generally described as the Frost Case, in which decision the court held that the Railroad Commission had no jurisdiction over those whose trucking operations were performed under private contract, it would appear that the service for

which a certificate is herein sought is one for which a certificate is not required and, therefore, the application should be dismissed without prejudice.

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

Dated at San Francisco, California, this 18th day of November, 1926.

H. W. Bondage

O. Leary

Frank J. ...

Thos. J. ...
COMMISSIONERS.