

Decision No. 17636

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of S. W. NELSON for certificate of public convenience and necessity to operate auto truck service as a contract carrier between Los Angeles and Alberhill plants of Los Angeles Brick Company, and points in Southern California as far north as Santa Barbara and Lancaster, east as far as Victorville and Banning, south as far as Oceanside, west to include all Pacific Coast beach points, Laguna to Santa Monica, inclusive.

ORIGINAL

APPLICATION NO. 12198.

Hardy, Elliott & Aberle, by Fred Aberle, Jr.,
for Applicant.

W. E. Sanson, for Motor Transit Company, Pro-
testant.

D. W. Layne, for Pacific Electric Railway Com-
pany, Protestant.

BY THE COMMISSION:

C O P I N I O N

S. W. Nelson has made application to the Railroad Commission for a certificate of public convenience and necessity to establish service for the transportation of freight between the plants of the Los Angeles Brick Company at Los Angeles and Alberhill, and points in Southern California as far north as Santa Barbara and Lancaster, as far east as Victorville and Banning, as far south as Oceanside, and west to include all Pacific Coast beach points from Laguna to Santa Monica, inclusive.

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

Applicant has been conducting a delivery business from the yards of the Los Angeles Brick Company for the past five and one-half years, transporting hollow tile, face brick and plain brick manufactured by the company at its Los Angeles plant or its plant at Alberhill in Orange County. This employment is by verbal contract. Applicant proposes a schedule of rates per ton affecting approximately 125 points in Southern California. He possesses eight trucks of a combined capacity of about 11 tons, specially equipped for this service and representing an investment of approximately \$35,000. His service is conducted entirely on demand of the company.

Frank D. Cruse, salesman for the Los Angeles Brick Company, testified that all of the company's truck transportation of the commodities specified is conducted by applicant, that his equipment had been procured by him at the behest of the company and is used exclusively in the company's service. He further testified that the rates and service of applicant have been satisfactory and that the company desires to continue its contractual relationship with him.

From the showing made by applicant it appears that he is not operating between fixed termini or over a regular route, or as a common carrier, but is executing a single contract, and hence his operation does not fall within the jurisdiction of this Commission under the Auto Stage and Truck Transportation Act. An order dismissing the application accordingly will be entered.

O R D E R

S. W. Nelson having made application to the Railroad Commission for a certificate of public convenience and necessity

to operate auto truck service as a contract carrier between the Los Angeles and Alberhill plants of the Los Angeles Brick Company and points in Southern California as far north as Santa Barbara and Lancaster, as far east as Victorville and Banning, as far south as Oceanside, and west to include all Pacific Coast beach points from Laguna to Santa Monica, inclusive, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FINDS AS A FACT, based on the foregoing opinion, that applicant does not propose to operate between fixed termini or over a regular route, and further, that all his proposed operations are under contract with one consignor; therefore,

IT IS HEREBY ORDERED that the application herein be and the same hereby is dismissed for lack of jurisdiction.

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

W. B. ...

C. ...

E. ...

Thos. ...
Commissioners.