

Decision No. 18100

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of John Smalley operating under the name of STOCKTON-JACKSON AUTO LINE; for certificate of public convenience and necessity to operate automobile service for the transportation of passengers and express and baggage between Jackson, Bear River Turn-off, the point where applicant turns off public highway to private road leading to Salt Spring Dam project, service to be a part of and an extension to present operations between Stockton and Jackson and intermediate points, and to serve as intermediate points, Pioneer Station, Ham's Station Lumber Yard.

ORIGINAL

Application No. 12706

In the Matter of the Application of ENRICO N. CUNEO for certificate of public convenience and necessity to operate passenger, baggage and package service between Cook's Station and Pacific Gas and Electric Company's Dam Site on the Mokelumne River in Amador County, California.

Application No. 12886

Ralph McGee for Enrico N. Cuneo, applicant in Application No. 12886.

L. J. Smallpage for John Smalley, applicant in Application No. 12706.

BY THE COMMISSION:

O P I N I O N

Enrico N. Cuneo has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage and truck

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line as a common carrier of passengers, baggage and freight between Cook's Station and Pacific Gas and Electric Company's Dam Site on the Mokelumne River and intermediate points, which proposed service will be an extension to applicant's present authorized service between Jackson and Cook's Station.

Applicant proposes to charge rates and to operate on a time schedule in accordance with Exhibits A and B attached to said application and to use the equipment described in Exhibit C attached to said application.

John Smalley, operating under the fictitious name of Stockton-Jackson Auto Line has petitioned the Railroad Commission, in accordance with his amended application, for an order declaring that public convenience and necessity require the operation by him of an automobile stage and truck line as a common carrier of passenger, baggage and express between Jackson and the California-Nevada State Line, and intermediate points, over and along the Alpine State Highway, as an extension of applicant's present service between Stockton and Jackson.

Applicant proposes to charge rates and to operate on a time schedule in accordance with Exhibits A and B attached to said application. A description of equipment which applicant proposes to operate is shown in Exhibit C attached to said application.

A public hearing on said applications was conducted before Examiner Satterwhite at Stockton, the matters were submitted and are now ready for decision. Said applications were consolidated for the purpose of receiving evidence and for decision by reason of the fact that each application involves a portion of the territory proposed to be served by the other applicant.

Applicant Enrico M. Cuneo protested the granting of the application of John Smalley as to that part of the service proposed by said Smalley between Jackson and Ranger Station. Applicant John Smalley interposed no opposition to the granting of the application of said Enrico M. Cuneo.

Applicant Cuneo testified in his own behalf and called several other witnesses in support of his application.

The testimony shows that extensive hydro-electric power development is now under way by the Pacific Gas and Electric Company to enlarge its hydro-electric resources on the water sheds of Mokelumne River. The dam site of the Pacific Gas and Electric Company has been determined upon and is located on the Mokelumne River about 14 miles from Ranger Station situated on the Alpine State Highway. The company has about completed the construction of a private road about 14 miles in length leading from Ranger Station to the dam site.

The record shows that applicant has received the permission of Pacific Gas and Electric Company to operate his proposed service from said Ranger Station over and along its private road. The testimony shows that the Power Company employs several hundred men in its construction work during the summer season and most of these men are obtained from the employment centers at Stockton and Sacramento. The proposed extended service of applicant will enable these laborers to travel from Jackson to the place of employment at the Dam Site, as well as other points. Applicant also offered testimony to the effect that there is summer travel of campers and vacationists to Ham's Resort and Ranger Station on the Alpine Highway and his extended service will accommodate this summer travel. The distance from Cook's Station, the present terminus

of applicant's authorized service, and Ranger Station is eight miles, at which point the private road of the power company begins.

Applicant John Smalley testified in his own behalf and called the City Attorney of Stockton and two other witnesses in support of his proposed extended service. Mr. J. L. Johnson, City Attorney of Stockton, testified to the effect that he had been directed by the City Council of Stockton to appear at said hearing in support of the proposed service of applicant in so far as the authorization of said service may be a convenience and necessity to the patrons of the Stockton Municipal camp located at Silver Lake, one of the points proposed to be served by said Smalley. The evidence shows that the City of Stockton maintains a Municipal camp at Silver Lake, distant 100 miles from Stockton, and that during each summer season six or seven hundred people patronize this Municipal camp. The patrons of this camp consist mainly of families and school children who live in Stockton and who spend their summer vacations at Silver Lake. It also appears that the Camp Fire Girls have a camp near Silver Lake and about 200 of these girls spend their vacations at Silver Lake. Woodfords is a summer resort, patronized by hunters and fishermen. Carson Pass and Kirkwood are camping places on the Alpine Highway and are patronized by vacationists and tourists during the summer season. Plasse resort is a hotel in the vicinity of Silver Lake and is also patronized during the open season. Kay's resort is also near Silver Lake.

Applicant Smalley testified to the effect that he had investigated the need of his proposed service to these resorts and had interviewed the owners and operators of each of them and they had all indicated a desire to have his proposed service established.

Applicant Smalley offered no testimony, however, to show that there was any necessity for the duplication of the present

authorized service of applicant Cuneo between Jackson and Cook's Station, and admitted that he had never heard any complaint against the present service of applicant Cuneo and that as far as he was aware said service was satisfactory to its patrons.

Applicant Cuneo, in support of his protest to said application of Smalley in so far as he proposed to serve the territory between Jackson and Ranger Camp, called several witnesses consisting of the owners and proprietors of the resorts, hotels and other places on the Alpine Highway between Jackson and Ranger Station, all of whom testified to the effect that the passenger and freight traffic was limited between these points and that the existing service of Cuneo has always been adequate and satisfactory and that there was no necessity for the proposed service of said Smalley between Jackson and Ranger Camp.

With respect to the proposed express and freight service proposed by each of said applicants, the record shows that Jackson is the purchasing center for nearly all of the hotels and resorts along the Alpine Highway from Jackson to the California-Nevada State line and the proposed stage and truck service was needed, particularly during the summer season, for the transportation of supplies of all kinds, especially supplies needed by campers, and goods, wares and merchandise used by the hotels and resorts along the route.

The Commission has no jurisdiction over the private road of Pacific Gas and Electric Company and the certificate hereinafter granted to Enrico N. Cuneo will terminate at Ranger Station.

After a careful consideration of all the evidence, we are of the opinion and hereby find as a fact that the application of said Enrico N. Cuneo should be granted.

After a careful consideration of all the evidence, we are of the opinion and hereby find as a fact that the proposed service of applicant John Smalley should be granted between Jackson and the California-Nevada State line, with the proviso that he shall operate no passenger, express or freight service between Jackson and Ranger Station.

O R D E R

A public hearing having been held in the above entitled applications, the matters having been submitted and being now ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the operation by Enrico N. Cuneo of an automobile passenger stage line between Cook's Station and Ranger Station and intermediate points as an extension of his present authorized service, and

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the operation by John Smalley of an automobile stage and truck line as a common carrier of passengers, baggage and express between Jackson and the California-Nevada Stage line, with the proviso that he shall operate no passenger, express or freight service between Jackson and Ranger Station.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same hereby is granted to said Enrico N. Cuneo for the operation of the above service, subject to the conditions hereinafter set forth.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted to John Smalley for the operation of the service hereinabove described, subject to the following conditions:

- 1- Applicants shall file their written acceptance of the certificates herein granted within a period of not to exceed ten (10) days from date hereof.
- 2- Applicants shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof, tariff of rates and time schedules, such tariffs of rates and time schedules to be identical with those attached to the application herein, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed sixty (60) days from the 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 applicants herein unless such vehicle is own^{ed} by said applicants or is leased by them 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 21st day of March, 1927.

Ernest G. Galt
H. B. Brundage
C. C. Weaver
Leon B. White

Commissioners.