

18281

Decision No. \_\_\_\_\_

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of LINGO BROTHERS for a certificate of public convenience and necessity to operate a motor freight service daily throughout the year between San Bernardino, also Redlands, California, and Arrowhead Lake resorts and Big Bear Lake resorts in San Bernardino Mountains, California.

ORIGINAL

Application No. 10089.

In the Matter of the Application of EDWARD F. LINGO and CHARLES P. LINGO for a certificate of public convenience and necessity to operate a motor passenger express freight service between San Bernardino and Los Angeles County Park, California.

Application No. 11749.

Edward F. Lingo, in propria persona.  
J. R. Downs, for Southern Pacific Company,  
interested party.

BY THE COMMISSION:

O P I N I O N

On October 21, 1926, the Railroad Commission was advised by letter that service under certificates of public convenience and necessity granted by virtue of decisions on above applications had been discontinued. Based upon this evidence an order to show cause why such certificates should not be revoked and annulled was duly served upon Edward F. Lingo and Charles P. Lingo.

A public hearing was conducted by Examiner Gannon at San Bernardino, the matter was submitted and is now ready for decision.

Under Decision No. 15144 dated July 7, 1925, and issued on Application No. 10089, the Railroad Commission granted to Lingo Brothers, Edward F. Lingo and Charles P. Lingo being co-partners, a certificate of public convenience and necessity to operate an

automobile freight service between San Bernardino and Redlands on the one hand and certain resorts in the San Bernardino Mountains on the other.

Under Decision No. 15850 dated January 14, 1926, and issued on Application No. 11749, the Railroad Commission granted to Edward F. Lingo and Charles P. Lingo a certificate of public convenience and necessity to operate an automobile passenger, freight and express service between San Bernardino and Los Angeles County Park.

Operation under Decision No. 15144 was begun on August 7, 1925, and under Decision No. 15850 on or about February 28, 1926.

The evidence in this proceeding is conclusive that applicants herein have entirely ceased operation for which authority was granted by the foregoing decisions. Edward F. Lingo, one of the applicants, testified that on or about September 20, 1926, the service authorized was suspended and abandoned and that since that date no service had been rendered for the accommodation of the public. It was developed through the testimony of this witness that by reason of an attachment having been placed on the property of the applicants by their creditors, the equipment was not being operated and the service contemplated by the schedule on file with the Railroad Commission was not, and could not be made, available for the public. The witness further testified that, under the circumstances, he was quite willing that the certificates be revoked.

It has frequently been held in various decisions of this Commission that suspension of operation without the knowledge and approval of the Commission will be considered a relinquishment of any operative rights heretofore granted.

After careful consideration of the evidence in this

proceeding, we are of the opinion, and hereby find as a fact, that Lingo Brothers and Edward F. Lingo and Charles P. Lingo suspended operation under authorization heretofore granted without receiving authority from the Railroad Commission so to do, such suspension of operation constituting a relinquishment of operative rights as conferred by decisions hereinabove referred to.

O R D E R

A public hearing in the above entitled matter having been held, the matter having been duly submitted, and the Commission being fully advised and basing its order on the findings of fact as set forth in the foregoing opinion,

IT IS HEREBY ORDERED that the operative rights heretofore granted to Lingo Brothers and Edward F. and Charles P. Lingo in Decision No. 15144 on Application No. 10089, and in Decision No. 15850 on Application No. 11749 be and the same are hereby revoked, and tariffs and time schedules affecting such operation are hereby cancelled.

Dated at San Francisco, California, this 27<sup>th</sup> day of April, 1927.

James C. [Signature]  
H. B. [Signature]  
C. [Signature]  
Leon [Signature]  
Thos. [Signature]  
Commissioners.