

Decision No. 18690

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
W. N. HARRIS to lease, and WM. FRAILEY)
to acquire operative rights for pas-) Application
senger and freight service between) No. 13191.
Fort Bidwell and Cedarville, California.)

C. S. Baldwin for Applicant,
J. H. Mahan for Nevada-California-
Oregon Railway.

BY THE COMMISSION:

O P I N I O N

This is an application filed by W. N. Harris to lease, and Wm. Frailey to acquire, the operative right to transport passengers and freight by auto stage between Cedarville and Fort Bidwell. Subsequent to the filing of said application the operative rights of Harris were, upon his own request, cancelled and revoked and Frailey filed an amended application by which he seeks a certificate of public convenience and necessity authorizing him to operate a passenger service between Cedarville and Fort Bidwell and intermediate points and also that he be permitted to extend the freight service between these two points, for which he now holds certificate, from twice-a-week service to daily service.

The passenger rates to be charged, the time schedules to be followed and the equipment to be used are all

fully set forth and described in the application.

A public hearing on this application was held before Examiner Gannon at Alturas, the matter was duly submitted and is now ready for decision.

Applicant now operates an authorized passenger and freight service between Alturas and Cedarville and freight service only between Alturas and Fort Bidwell. By this application he seeks to extend his passenger service from Cedarville to Fort Bidwell. The order of the Commission granting applicant his present operative rights does not limit the number of trips to be made weekly between Cedarville and Fort Bidwell; hence it is unnecessary to consider his prayer in this regard so far as the instant application is concerned.

Applicant appeared in his own behalf and testified as to the necessity for the proposed service and his ability to handle same. No evidence was offered in protest against the granting of the application, nor does there appear to be any other authorized motor transportation service in this field.

J. E. Mahan, Traffic Manager for the Nevada-California-Oregon Railway, appeared as a witness in support of applicant's proposed service and testified that this railway company is in full accord with the application here made and believes that public convenience and necessity warrant the proposed service.

After a careful consideration of the evidence in this proceeding, we are of the opinion and hereby find as a fact that public convenience and necessity require the establishment of the proposed service and that the application should be granted.

O R D E R

A public hearing having been held in the above entitled application, the matter having been duly 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 Wm. Frailey of an automobile stage service for the transportation of passengers between Cedarville and Fort Bidwell and intermediate points, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for the foregoing service be and the same is hereby granted to Wm. Frailey, subject to the conditions hereinafter set forth:

1. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.
2. Applicant 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 applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 8th day of August, 1927.

Leon A. Whitely
John S. Kautz

M. J. Pina
Commissioners.

