

Decision No. 15582

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 ANDERSON BROS. for certificate of
 public convenience and necessity to
 operate freight, passenger, baggage
 and express service, as a common
 carrier, between Bridgeport, Mono
 County, Calif., and Mono Lake, Mono
 County, Calif., as an extension to
 present service between Minden, Nevada,
 and Bridgeport, Calif.

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) Application
) No. 13925
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L. N. Anderson and E. G. Anderson,
 in propria persona, Applicants.

Guy S. Alexander and L. B. Larsen, for Bishop-Mono Lake
 Stage Company, Protestant.

F. L. Meinke, for Bishop Chamber of Commerce.

BY THE COMMISSION -

OPINION

L. N. Anderson and E. G. Anderson, partners in business under the name and style of Anderson Bros., have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile stage line as a common carrier of passengers, freight, baggage and express from Bridgeport to Mono Lake (Tioga Lodge) serving as intermediate points the stations of Poor Farm, Summitt Station and Mono Inn, the service proposed to be an extension of applicants' present authorized service between Minden, Nevada, and Bridgeport, California. Authority is also sought for the extension of freight service to June, Gull and Silver Lakes when such freight originates at points north of Mono Lake.

A public hearing on this application was conducted by Examiner Handford at Bridgeport, the matter was duly submitted and is now ready for decision.

Applicants propose to charge rates in accordance with a schedule marked "Exhibit A", and to operate in accordance with a time schedule marked "Exhibit B", both exhibits being filed as a portion of the application herein. The equipment proposed to be used consists of two White combination mail and passenger busses, each seating 7 passengers and each with 4000 lb. mail and express capacity. Horses, wagons and sleighs are available for winter service when the roads are impassable for motor vehicles.

Applicants rely as justification for the granting of the desired certificate on the following alleged facts; (1) that applicants have the mail contract between the points sought to be served; (2) that there is no existing authorized common carrier service between Bridgeport and Mono Lake; (3) that applicants had arranged to purchase the certificate formerly owned by Jas. T. Mc Alee but upon investigation of the Commission's records it was found that the route of the Mc Alee line was via Bodie instead of the direct route on the state highway from Bridgeport to Mono Lake and the Mc Alee operative right would be useless for the proposed new service.

L. N. Anderson, one of applicants, testified that freight service had been operated from Minden and Gardnerville, Nevada, to Mono County resorts since 1916, no regularity of service having been performed but trips being made as demand was made for truck load service. The business now conducted by the partnership is principally the carriage of United States mail, the witness estimating 85% of the business being mail, 14% freight and express and 1% passenger business.

As to authority sought to transport freight in the territory between Mono Lake (Tioga Lodge) and June, Gull and Silver Lake, when such freight originates at points north of Mono Lake, it appears from the testimony that such privilege was only desired for truck load movement and that such freight would practically all originate in the State of Nevada. Under such state of facts

the movement would be interstate in character and applicants consented to the amendment of the application by the elimination of the request for such authority.

The granting of the application, insofar as it proposed freight operation between Mono Lake and the June, Gull and Silver Lake districts, was protested by Guy S. Alexander and L.B. Larsen, a co-partnership operating a passenger and express service between Mono Lake and Bishop, serving the above mentioned lake territory as intermediate on such route. These protestants claim to have adequately served the territory; to have ample equipment and facilities to care for all business which may be offered for movement; that there is not sufficient traffic available to warrant the authorization of an additional carrier; and expressed their willingness to receive from applicants at Mono Lake all less-than-truckload shipments originating at points north of Mono Lake for transportation to the June, Gull and Silver Lake districts. The Bishop Chamber of Commerce by the resolution of its Board of Directors, as adopted under date of September 13, 1927, and as filed as an exhibit at the hearing, endorse the protest of the Bishop-Mono Lake Stage Company.

It appears from the evidence herein that there is no present authorized passenger stage service between Mono Lake and Bridgeport, the county seat of Mono County. Applicants by reason of their mail contract are operating a daily service with passenger rights from the California-Nevada State Line, via two routes, to Bridgeport. The requested authority for passenger operation between Bridgeport and Mono Lake (Tioga Lodge) should be authorized, thereby enabling the limited passenger business offering to be transported by the medium of a regularly certificated and responsible carrier.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted and the

Commission being now fully advised.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by L. N. Anderson and E. G. Anderson, co-partners, operating under the firm name of Anderson Bros., of an automobile stage service as a common carrier of passengers, baggage and express between Bridgeport and Mono Lake (Tioga Lodge) and the intermediate points of Poor Farm, Summitt Station and Mono Inn, not as a new and separate operative right but in addition to and as an extension of applicants' present operative rights between the California-Nevada State Line and Bridgeport, via two routes, as heretofore granted by this Commission's Decision No. 9673 on Application No. 7110, as decided October 28, 1921, and subject to the following conditions:

1- Applicants shall file their written acceptance of the certificate 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, tariffs of rates and time schedules, such tariffs of rates and time schedules to be 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 thirty (30) 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 owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all purposes, other than hereinabove stated, the effective date of this order is hereby fixed as twenty (20) days from the date hereof.

Dated at San Francisco, California, this 4th day of October 1927.

Summitt
Anderson
Leon Anderson
Thor Anderson
M. J. Lewis
COMMISSIONERS.