Decision No. 19102

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Investigation on the Commission's own motion into the failure of JAMES MC IVER, JR., operating under the fictitious name of TRUCKEE-TAHOE CITY STAGE LINE, to file his annual report for the year 1926, as provided by statute and by the rules and order of this Commission.

CARR, Commissioner -

<u>O P I N I O N</u>

) Case No.2439

This proceeding is an investigation on the Commission's own motion into the failure of James Mc Iver, Jr., operator of an automotive service for the transportation of persons and property between Truckee and Tahoe City, to file his annual report for the year 1926 as provided by statute (Section 6a, Statutes 1917, Chapter 213, as amended, known as the Auto Stage and Truck Transportation Act), and by the rules and orders of the Railroad Commission.

Due and proper notice was served on James Mc Iver, Jr., a public hearing was held in San Francisco at which time the matter was duly submitted and is now ready for decision.

Me Iver, in his own behalf, made the statement that the report in question had been filed by him since this proceeding was instituted. He requested authority to discontinue the business of transporting passengers and freight and for an order of the Commission revoking and annulling the certificate of public convenience and necessity heretofore granted to him by the Railroad Commission, stating that the very limited transportation needs of the public during the winter months (his operation being seasonal) are amply served by the Southern Pacific which operates twice a week between the points served by him. He stated, and his view was supported by the statement of C. T. Bliss, that such discontinuance would discommode few, if any, travelers.

IW

I am of the opinion, and hereby find as a fact, that public convenience and necessity do not require the operation by James Mc Iver, Jr., of an automobile service for the transportation of passengers and express between Truckee and Tahoe City and that the certificate of public convenience and necessity heretofore granted to James Mc Iver, Jr., should be revoked and annulled.

I recommend the following form of order:

ORDER

An order instituting an investigation into the failure of James Mc Iver., Jr., to file his annual report for the year 1926 having been issued on November 3, 1927, a public hearing having been held, the matter having been duly submitted, the Commission being now fully advised and basing its order on the finding of facts set forth in the opinion preceding this order,

IT IS HEREBY ORDERED that the certificate of public convenience and necessity heretofore issued to James Mc Iver, Jr., by the Railroad Commission in its Decisions No.14224 and 14555 and issued on Application No.10562 be and the same hereby is revoked and annulled, and

IT IS HEREBY FURTHER ORDERED that said James Mc Iver, Jr., shall immediately file with the Railroad Commission supplements to tariffs and time schedules filed in his name with the Railroad Commission, which supplements shall cancel said tariffs and time schedules.

The foregoing Opinion and Order is hereby approved and ordered filed as the Opinion and Order of the Railroad COmmission.

Dated at San Francisco, California, this _____ day of December, 1927.