

Decision No. 19115

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of an Investigation  
on the Commission's own motion in-  
to the practices and operations of  
W. H. McGANN and H. J. MORGAN, oper-  
ators of an automotive trucking  
service between Los Angeles and  
Orange and intermediate points.

CASE NO. 2430.

ORIGINAL

Richard T. Eddy, for Triangle-Orange County  
Express, Intervenor.

BY THE COMMISSION:

O P I N I O N

This is a proceeding in which W. H. McGann and H. J. Morgan, co-partners operating under the fictitious name of Orange County Fast Freight Line, were cited to appear before the Commission and show cause, if any, why their operative rights granted under Decision No. 7462, or otherwise, for the operation of an automotive truck service between Los Angeles and Orange and intermediate points, should not be revoked because of alleged abandonment of service.

A public hearing herein was conducted by Examiner Williams at Los Angeles, subsequent to due notice by registered mail upon W. H. McGann, one of the partners, the matter was submitted after hearing and now is ready for decision.

Respondents herein did not make any appearance at the hearing, either in person or by counsel. Instead, a letter was presented from William H. McGann, in which he stated that he believed the operative right granted to H. J. Morgan and himself under Decision No. 7462 should be revoked, "as the same has not been operating for more than a year." The records of the Commission show that neither McGann nor Morgan possesses or claims to possess any prescriptive right or any right other than the one granted by the above mentioned decision.

W. F. Lemon, service inspector for the Railroad Commission, testified as to his efforts to investigate the operation from time to time. He testified that in December, 1925, many complaints were filed with the Commission relative to the service of this carrier, and also as to its failure to account to consignors for C. O. D. collections. In September, 1926, according to Mr. Lemon's testimony, he found respondents conducting an operation, not upon schedule as filed with the Commission, but only when they had a load sufficient to justify a trip, shipments constituting less than a truck load being turned over to other carriers at their rates. In October, 1926, respondents were prevented from using their terminal because of arrears in rent, and thereupon refused further acceptance of freight and referred consignors to other carriers. At this time respondents possessed no equipment and operated by alleged "leased" trucks, although no leases were filed with the Commission.

It appears from the record that respondents in October, 1926, completely abandoned all service under certificate granted by Decision No. 7462 and have since failed to operate.

Richard T. Eddy, appearing for Triangle-Orange County Express, intervenor, introduced no testimony, but stated that this carrier has abundant equipment and has been giving the service neglected by respondents for the past year.

It appears from the record herein and from the attitude of respondents that the certificate granted under Decision No. 7462 on Application 5565 should be revoked. The order following will so provide.

#### O R D E R

An order having been issued on October 11, 1927, to William H. McGann and E. J. Morgan, co-partners operating under the fictitious name of Orange County Fast Freight Line, to show cause why the certificate of public convenience and necessity heretofore granted them by Decision No. 7462 on their Application No. 5565 should not be revoked, a public hearing having been held, the matter having been duly submitted and the Commission being now fully advised, and basing its order on the findings of fact as set forth in the opinion preceding this order,

IT IS HEREBY ORDERED that the certificate of public

convenience and necessity heretofore granted by this Commission by its said Decision No. 7462 on Application No. 5565, dated April 21, 1920, granting to William H. McGann and H. J. Morgan the right to operate an automobile truck line as a common carrier of freight between Los Angeles and points in Orange County and certain intermediate points, be and the same hereby is revoked and cancelled, and that no further operation by William H. McGann or H. J. Morgan may be given under the certificate hereinabove referred to.

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

Dated at San Francisco, California, this 10<sup>th</sup> day of December 1927.

C. Seaver

J. D. Powell

H. A. Carr  
COMMISSIONERS.