Decision No. 29447



BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SENATOR SERVICE COMPANY, for a certificate to operate an automobile truck service as a common carrier of freight between Sacramento and Fallen Leaf Lake.

Application No. 13955.



Fred J. Harris, for Applicant.

Sanborn & Rochl and DeLancey C. Smith, by A. B. Rochl, for Tahoe Transportation Co. and El Dorado Motor Transportation Co., Protestants:

Edward Sterm, for American Railway Express Company, Protestant.

W. S. Johnson, for Southern Pacific Co., Protestant.

Henry S. Lyons, for El Dorado Company and El Dorado Transportation Co., Inc., Protestants.

BY THE COMMISSION:

## ORDER OF DISMISSAL.

The above entitled matter came on regularly for hearing before Examiner Satterwhite at Sacramento, California, on November 9, 1927, at 10:00 a.m., at which time and place said applicants moved a dismissal of said application without projudice on the ground that they had been unable to secure the necessary witnesses to attend the hearing at this period of the year for the reason that many of said witnesses were resort owners at and in the vicinity of Lake Tahoe and that most of these resorts were now closed.

The above named protestants announced that they were prepared to proceed and that witnesses were present to testify in support of their protests and that said protestants were opposed to any continuance or that the application should be dismissed without prejudice.

We are of the opinion that the said application should be dismissed, but not without prejudice, and the order of dismissal herein shall be made with the provise and upon the condition that if applicants shall hereafter file with The Rail-road Commission a similar application for the service as proposed that such application shall not be placed upon the calendar for a hearing unless and until said applicants shall have made a prima facil showing satisfactory to this Commission by the filing of affidavits of material witnesses endorsing the proposed service.

## ORDER

A public hearing having been called in the above entitled application and said applicant having moved a dismissal without prejudice of said matter, and the said motion for dismissal having been submitted and the Commission now being fully advised in the premises.

IT IS HEREBY ORDERED that the said application be, and the same is hereby dismissed upon the condition that if said applicants shall hereafter file with the Railroad Commission a similar application for the service as proposed the same shall not be placed upon the calendar for hearing unless and until said applicants shall have made a prima facie showing satisfactory to the Railroad Commission by the

filing of affidevits of material witnesses endorsing the proposed service.

Dated at San Francisco, California, this 10 th day of The 1927.

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Commissioners.

Certified as a True Copy