

ORIGINAL

Decision No. 19165

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

F. J. COULTER, as Agent for
Monticello Utility Corporation,
a corporation operating under
fictitious name of Monticello
Stage Company,

Complainant,

vs.

V. V. ANDERSON, owner and operat-
ing under fictitious name of Winters
Monticello Stage Line,

Defendant.

Case No. 2399

In the Matter of an Investigation on
the Commission's own motion into the
practices and operations of

V. V. ANDERSON

Case No. 2420

operating an automotive service for
the transportation of persons and
property between Monticello and Wint-
ers and Monticello and Sacramento.

Edward Stern, for American Railway Express Company.

E. F. Gardner, for Monticello Stage Company.

W. S. Johnson, for Southern Pacific Company.

W. L. Warner, for Winters Truck Line.

BY THE COMMISSION:

O P I N I O N

A complaint was filed by F. J. Coulter as agent for
Monticello Utility Corporation alleging that V. V. Anderson,
operating under the fictitious name of Winters Monticello Auto
Line between Monticello and Winters and between Monticello and

Sacramento, had failed and neglected to maintain a regular and dependable passenger and freight service over such route.

Subsequently the Railroad Commission instituted an investigation on its own motion to determine whether or not the practices and operations of V. V. Anderson are unreasonable, discriminatory or preferential in any particular, or in any manner illegal or unlawful.

A public hearing was held before Examiner Gannon at Winters on November 10, 1927, at which time the matters were consolidated for the purpose of receiving evidence, and having been duly submitted, are now ready for decision.

The complainant made no appearance at the hearing and no evidence was offered in support of his allegations. The complaint will, therefore, be dismissed.

Upon the hearing of the Commission's order instituting an investigation and order to show cause, it developed that defendant, V. V. Anderson, had made no pretense of rendering service of any kind or character for some time past.

E. F. Gardner, who owns and operates the Monticello Stage Company, serving Monticello and Winters and points intermediate, over the identical route presumed to be served by defendant, testified as to the irregularity of Anderson's operations and stated that such service had been very irregular for two years last past, and that for the past two months Anderson had rendered no service whatsoever over the route in question.

No other testimony was offered at the hearing, the defendant having failed to enter an appearance. In fact, on the day preceding the hearing, defendant Anderson telegraphed to the Railroad Commission requesting that his certificate be revoked.

Such evidence as is of record in this proceeding conclusively points to a complete abandonment of service by defendant over the route for which he had been granted operative rights. The records of this Commission contain abundant indication of unsatisfactory and unreliable operation on the part of this defendant. In Decision No. 18381, dated May 18, 1927, it was declared that--

"The record shows without any material contradiction that V. V. Anderson has failed for more than one year last past to operate and maintain a regular and dependable service between Monticello and Winters. The evidence shows that there has been much dissatisfaction among the residents of Monticello with the unreliable operations of Anderson and many complaints have been made by passengers who have had occasion to travel between Winters and Monticello."

In the face of this warning defendant Anderson has apparently made no effort to improve his service but, on the contrary, has permitted it to decline and finally to disappear entirely. It has frequently been held by this Commission that suspension of operation without the knowledge and approval of the Commission will be considered a relinquishment of any operative rights heretofore granted.

After careful consideration of the evidence in this proceeding, we are of the opinion, and hereby find as a fact, that V. V. Anderson, owner and operator of an automobile stage and truck line, operating under the fictitious name of Winters Monticello Auto Line between Monticello and Winters and between Monticello and Sacramento, has suspended operation of such service without the authority of this Commission so to do, such suspension constituting a relinquishment of operative rights heretofore granted.

ORDER

A public hearing having been held in the above-entitled proceedings, the matters having been duly submitted, and the Commission being fully advised, and basing its order on the findings of fact set forth in the foregoing opinion,--

IT IS HEREBY ORDERED that the operative rights of V. V. Anderson, operating an automobile stage and truck line between Monticello and Winters, and Monticello and Sacramento under the fictitious name of Winters Monticello Auto Line, be, and the same are hereby revoked and annulled; and

IT IS HEREBY FURTHER ORDERED that tariffs and time schedules filed by V. V. Anderson with the Railroad Commission covering such operations be, and the same are hereby cancelled, and

IT IS HEREBY FURTHER ORDERED that Case No. 2399 be, and the same is hereby dismissed.

Dated at San Francisco, California, this 23 day of December, 1927.

E. M. Galt
C. L. ...
...
...
Commissioners.