

Decision No. 29827

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of C. H. PENNOYER, transacting business under the fictitious name and style of "Descanso & Alpine Stage Line," for an order permitting him to partially abandon his automobile stage service for the local transportation of passengers and their baggage, only, between San Diego and Laguna Junction and intermediate points, and for an order permitting him to abandon his automobile stage service between Descanso and a point on the northerly line of Lake Cuyamaca about five miles southeast of Julian, commonly known as the end of Road District No. 4, and intermediate points via Oakzanita and Green Valley.

**ORIGINAL**

Application No. 14636.

Kidd, Schell & Delamer, by G.F.H. Delamer,  
for Applicant.

H. J. Bischoff, for Oppenheimer Truck Line,  
Protestant.

BY THE COMMISSION:

O P I N I O N

C. H. Penoyer, doing business under the fictitious name of Descanso & Alpine Stage Line, has petitioned the Railroad Commission for an order authorizing him to partially abandon his automobile stage service for the local transportation of passengers and their baggage only between San Diego and Laguna Junction, California, and intermediate points and also for an order authorizing him to abandon his automobile stage service between Descanso and point on the northerly line of Lake Cuyamaca about five miles southeast of Julian, commonly known as the end of Road District No. 4, and intermediate points via Oakzanita and Green Valley.

A public hearing was conducted on said application before Examiner Satterwhite at San Diego, the matter was submitted and is now ready for decision.

The record shows that applicant is engaged in the operation of an automobile stage line for the transportation of passengers and express under certificates heretofore granted by this Commission over the following routes, to-wit:

(a) Between San Diego and Resort and the intermediate points of Lakeview, Flinn Springs, Alpine, Viejas, Descanso, Pine Valley and Laguna Junction, and also between La Mesa and El Cajon and points beyond Lakeview and Lakeview/and vice versa, over and along the following route; via state highway to Laguna Junction, thence over county road to Resort; said operative right having been granted by Decision No. 14,799 on Application No. 10,666, dated April 15, 1925; and

(b) Between Descanso and a point on the northerly line of Lake Cuyamaca about five miles southeast of Julian, commonly known as the end of Road District No. 4, and intermediate points via Oakzanita and Green Valley, as an extension of the operative right therefor granted to said applicant by Decision No. 14,799, said extension having been granted to said applicant by Decision No. 15,101 on Application No. 11,162, dated June 25, 1925.

A map entitled "Exhibit A" is attached to the application showing the territory now served by applicant and the lines now operated by applicant for the transportation of persons and baggage and express matter and also showing the portion of said service which applicant desires to abandon.

The evidence shows that the volume of passenger business between San Diego and Laguna Junction is rather limited and insufficient to warrant a continuance of operations for the reason that the Pickwick Stages System operates a passenger service coextensive with the operative rights now conducted by ap-

plicant between the points proposed to be abandoned. It appears that the Pickwick Stages System is rendering an adequate service to the public for the local transportation of passengers between said points and has greater facilities enabling it to render a more efficient local passenger service than can be rendered by applicant. It was shown that applicant will be able to conduct his express service between said points more economically and under more frequent schedules if he is relieved of the cost and expense incidental to the transportation of local passengers and their baggage between the points proposed to be discontinued. By reason of applicant's experience in the operation of an express service along his existing route he will be better able than a large operating company to accommodate the demands of local express service for the communities and residents along said route.

Applicant testified that if he is permitted to abandon his passenger service it will not be necessary to maintain any office other than small headquarters for receiving express matter and that the cost would not exceed \$10. per month. It is applicant's plan and purpose to furnish to his patrons a personal shopping service and also to establish a newspaper route.

With respect to proposed discontinuance of applicant's passenger service between Descanso and Lake Cuyamaca the record shows that only two families now live on this route and that they use their own private automobiles and do not patronize applicant's service. Oakzanita Lodge is the only resort between Descanso and Cuyamaca and it has been closed for more than one year last past.

The record contains letters from the owners of Oakzanita Lodge, A. T. Moore and Ed Fletcher, representing

all the persons living or having business interests over this particular route, and each of them has consented to the discontinuance of the stage service. It further appears that the road between Descanso and Cuyamaca is a winding mountain road and is dangerous and expensive to operate over, particularly during the winter season on account of rain and snow. Applicant offered in evidence exhibits for the years 1926 and 1927, showing his revenues covering both passenger and express business which show that applicant's service has been conducted at a large financial loss.

Rush Oppenheimer, who operates an authorized freight truck line between San Diego and Pine Valley and way points under the name of Oppenheimer Truck Line appeared as a protestant in this proceeding, but no evidence was offered by him in support of such protest which requires any review or particular consideration for the reason that the protestant has always conducted primarily a freight truck service without any limitation as to weight and has used mainly large trucks, whereas the applicant herein has always operated and shall so continue a limited express service of parcels and packages not exceeding 100 pounds in weight.

After a careful consideration of all the evidence in this case, we are of the opinion and hereby find as a fact that public convenience and necessity do not require the continuation of the passenger service between the points and over the route proposed to be abandoned by said applicant and the application should be granted.

#### ORDER

A public hearing having been held in the above entitled proceeding, the matter having been submitted, and being

now ready for decision,

IT IS HEREBY ORDERED that C. H. Pennoyer, doing business under the fictitious name and style of Descanso & Alpine Stage Line be and he is hereby authorized to abandon and discontinue his automobile stage service for the local transportation of passengers and their baggage only between San Diego and Laguna Junction, California, and intermediate points and also to abandon his automobile stage service between Descanso and a point on the northerly line of Lake Cuyamaca about five miles southeast of Julian, commonly known as the end of Road District No. 4, and intermediate points via Oakzanita and Green Valley.

IT IS FURTHER ORDERED that C. H. Pennoyer, doing business under the fictitious name and style of Descanso & Alpine Stage Line shall immediately file with the Railroad Commission a supplement to his tariffs and time schedules cancelling rates and time schedules covering his passenger service between the above points and over and along the routes authorized to be discontinued herein.

Dated at San Francisco, California, this 11th  
day of July, 1928.

Leon A. Whitely  
Osborne  
Ernest East  
Thos. D. Smith  
W. A. Carr  
Commissioners.