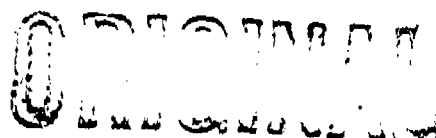


Decision No. 21075

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 S. B. COWAN)
 for an order granting permission to)
 abandon service of auto freight line)
 operated between Los Angeles and)
 La Habra, Fullerton and Anaheim.)



Application No. 14860
(Supplemental)

Phil Jacobson, for Applicant.

BY THE COMMISSION:

O P I N I O N

S. B. Cowan, applicant herein, asks authority of the Railroad Commission to discontinue automobile freight service between Los Angeles and La Habra, Fullerton and Anaheim.

A public hearing herein was conducted by Examiner Williams at Los Angeles.

Applicant acquired, by purchase from Motor Service Express, its certificate for the operation of a line between Los Angeles, La Habra, Fullerton and Anaheim, by authority of this Commission expressed in Decision No. 20114 on Application No. 14860. The rights thus transferred was originally established by Sharp and Son through operation prior to May 1, 1917, and by the Sharps transferred by authority of the Commission (Decision No. 10467 on Application No. 7730) to O.O. Davis. Subsequently, the Davis rights were purchased by Motor Service Express, a corporation, which in turn sold to Cowan.

At the hearing, Mr. Cowan testified that he came into possession of the operation in September, 1928, and that since that time he had not received any business over this routing from any shipper. He also testified that he had long since discontinued the service. On being questioned by the Examiner, Mr. Cowan admitted that he had never operated the service on a single schedule after acquiring it. He testified that he had no authority from this Commission for discontinuance.

Applicant Cowan serves the same points, La Habra, Fullerton and Anaheim, by the Triangle Express, a common carrier operating under authority of this Commission. The same points are also served by Richards Trucking & Warehouse Co., Inc., under similar authority, and it does not appear from the record that the public has suffered any by the action of applicant herein in purchasing the certificated rights and then discontinuing service. Applicant acquired this right, by his own admissions, merely for the purpose of discontinuing it, and the abandonment was entirely without the knowledge or consent of the Commission and in violation of Chapter 213 of the Statutes of California, 1917 as amended, and also in violation of the certificate duty of applicant's predecessors in interest. This Commission deprecates such a practice by any carrier under its jurisdiction, unless at the time the purchase is made, proper request is made that the operation may be discontinued or assimilated into other service of applicant.

In view of the fact that applicant now seeks to surrender this certificate, it is our opinion that it should be revoked.

O R D E R

S. B. COWAN, applicant herein, having made application to discontinue service of an auto freight line between Los Angeles on the one hand, and La Habra, Fullerton and Anaheim on the other hand; a public hearing having been held, the matter having been duly submitted, and now being ready for decision,

IT IS HEREBY ORDERED BY THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA that applicant herein is authorized to discontinue all freight operations between Los Angeles and La Habra, Fullerton and Anaheim, as determined by Decision No. 20114 on Application No. 14860, dated August 15, 1928; and

IT IS HEREBY FURTHER ORDERED that the rights therein fixed and determined and as transferred to said Cowan by said decision and now surviving be, and the same hereby are, revoked, cancelled and annulled; and

IT IS HEREBY FURTHER ORDERED that applicant herein, S. B. Cowan, immediately file cancellation of all rates, time schedules and rates heretofore filed in his name or adopted by him from his predecessor in interest, within ten (10) days after date of this decision.

For all other purposes, the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 10th day of May, 1929.

Thos D. Lott
W. S. Seaver
James C. Lipton
Leon White

Commissioners.