

Decision No. 21329.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

Case No. 2709.

In the Matter of an Investigation on the Commission's own motion into the practices and operations of CHARLES AYRES and JOHN A. WHITESIDE, co-partners operating vessels for the transportation of property on the inland waters of the State of California under the fictitious name of AYRES-WHITESIDE TRANSPORTATION COMPANY.

J. J. Geary - For Northwestern Pacific Railroad Company

A. A. Bowman - For California Transportation Company

BY THE COMMISSION:

O P I N I O N

This is an investigation made on the Commission's own motion into the practices and operations of Charles Ayres and John A. Whiteside, copartners, operating vessels for the transportation of property on the inland waters of the State of California, under the fictitious name of Ayres-Whiteside Transportation Company.

A public hearing was held by Examiner Gannon at San Francisco, the matter was submitted, and is now ready for decision.

By Decision No. 19205 on Application No. 14152, dated January 3, 1928, the Commission granted a certificate of public convenience and necessity to Charles Ayres and John A. Whiteside, operating under the fictitious name of Ayres-Whiteside Transportation Company, authorizing the operation of vessels as common carriers of property between San Francisco,

Oakland and East Bay points on the one hand, and Novato, Marin County, on the other hand.

These respondents first came under the jurisdiction of the Commission on March 30, 1926, when by virtue of Decision No. 16337 on Application No. 12577, they were granted a certificate to operate vessels for the transportation of property between San Francisco and certain specified points around San Francisco and Suisun Bays. These operating rights were revoked and cancelled on December 3, 1928, in our Decision No. 20551 following a public hearing in which it developed that Ayres and Whiteside had not operated their vessels over the routes covered by their certificated authorization for some six months, such abandonment of service having been unauthorized by the Commission. However, the operating rights granted in Decision No. 19205 between San Francisco and Novato were not revoked by Decision No. 20551 and the purpose of the instant proceeding has particular reference to that operation.

J. J. Geary, General Freight and Passenger Agent of the Northwestern Pacific Railroad Company testified that to the best of his knowledge and information respondents had not operated vessels on the Novato run for approximately one year.

A. A. Bowman, General Freight Agent of the California Transportation Company confirmed the testimony of Geary and testified further that he was advised the respondents had left the State and that their equipment had been sold to liquidate part of their accumulated indebtedness.

Neither of the respondents appeared at the hearing in person, nor was there any appearance entered in their behalf.

From the record it appears, and we so find, that said respondents, Charles Ayres and John A. Whiteside, have not

operated vessels for the transportation of property between San Francisco and Novato as authorized in Decision No. 19205 for a period of approximately one year, and that such abandonment of service was not authorized by this Commission.

C O R D E R

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 the certificate of public convenience and necessity heretofore granted to Charles Ayres and John A. Whiteside, co-partners, operating under the fictitious name of Ayres-Whiteside Transportation Company, by this Commission's Decision No. 19205 on Application No. 14152 dated January 3, 1928 for the operation of vessels for the transportation of property on the inland waters of the State of California is hereby revoked and annulled, and

IT IS HEREBY FURTHER ORDERED that tariffs and time schedules filed with the Railroad Commission by said Ayres and Whiteside covering said service be, and the same are hereby cancelled.

Dated at San Francisco, California, this 15 day of

July, 1929.

Thomas S. Lovell
Cl. Seaman
Ernest A. ...

Commissioners.