

Decision No. 23458.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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FRED A. SUTHERLAND, doing business  
under the name of SUTHERLAND'S  
TIA JUANA STAGES,

Complainant,

vs.

J. H. WOOLLET, doing business under  
the name of WOOLLET ENSENADA STAGES,

Defendant.

ORIGINAL

Case No. 2958.

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In the Matter of the Investigation  
upon the Commission's own motion into  
the operations of J. H. WOOLLET,  
operating an automotive stage service  
between San Diego and Ensenada, Mexico,  
and intermediate points.

Case No. 2970.

Hendee and Rodabaugh, by E. E. Rodabaugh, for Complainant  
Fred A. Sutherland.

C. J. Gamble for Defendant and Respondent J. H. Woollet.

R. G. Dilworth for San Diego and Arizona Railway Company,  
Interested Party.

Earl A. Bagby as Amicus Curiae, and for Pacific Greyhound  
Lines, Interested Party in Case No. 2970.

BY THE COMMISSION:

O P I N I O N

In Case No. 2958, Fred A. Sutherland, operator of an  
automobile passenger stage service between San Diego and the  
port of entry of San Ysidro, formerly known as Tia Juana,  
California, complains against J. H. Woollet, who, under the  
name of Woollet Ensenada Stages conducts a passenger stage

service between San Diego and Ensenada, Mexico. It is alleged that Woollet is carrying on his operations in violation of the terms of a certificate of public convenience and necessity heretofore granted him by the Railroad Commission of the State of California in that he is transporting passengers between San Diego and San Ysidro.

Case No. 2970 is an investigation on the Commission's own motion into the operations of J. H. Woollet, and particularly as to the jurisdiction of this Commission over said Woollet's operations and directing him to appear and show cause why such operating rights as are now held by him should not be revoked and annulled.

A public hearing was held by Examiner Gannon at San Diego on January 6, 1931, the matters were consolidated for the taking of testimony and decision, and an order of submission made.

On April 17, 1924, defendant Woollet was granted a certificate of public convenience and necessity to operate stages for the transportation of passengers, baggage and express between San Diego, California, and Ensenada, Mexico, (Decision No. 13425), subject to the following conditions:

That applicant will not receive at San Diego any passengers or express matter except destined to points south of Tijuana, Mexico, nor any passengers nor express matter from points south of Tiajuana destined to any point in California except San Diego, and that no local service be given between San Diego and the border at Tiajuana.

Subsequently the Auto Stage and Truck Transportation Act was amended by specifically limiting its application to such transportation companies as were not engaged in interstate or foreign commerce (Stats. 1925, Chapter 254, Page 433). There was reserved to the Railroad Commission, however, a reasonable supervision over transportation companies so operating as would insure a proper use of the highways. At the first opportunity the Commission declared, and has since frequently reiterated its

declaration, that it is without power to grant or deny authority for the exercise of interstate operation privileges. Since the Commission, therefore, has no jurisdiction over this type of operation the certificate heretofore granted to defendant Woollet should be revoked, and the order will so provide.

It should be stated, however, that as to his intrastate operations there is no evidence in the record indicating that defendant Woollet transports passengers from San Diego destined to San Ysidro, or to any other two points within the State of California, and since we are not concerned with any other allegation in the complaint it follows that the complaint should be dismissed.

O R D E R

A public hearing having been held in the above entitled proceedings and the matters having been submitted on briefs,

IT IS HEREBY ORDERED that the certificate of public convenience and necessity heretofore granted to J. H. Woollet by the Railroad Commission of the State of California in Decision No. 13423 be and the same is hereby revoked and annulled and the tariffs and time schedules heretofore filed with the Railroad Commission by said J. H. Woollet be and they hereby are cancelled, and

IT IS HEREBY FURTHER ORDERED that Case No. 2958 be and the same is hereby dismissed.

Dated at San Francisco, California, this 2nd day of March February, 1931.

P. L. Seaver

Leon A. Whittell

W. H. Linn

M. B. Harris

James C. Stewart  
Commissioners.