

Decision No. 23499

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
 BOULEVARD EXPRESS, INC., a corpora-
 tion, for a certificate of public
 convenience and necessity for the
 transportation of property between
 Oceanside and Tustin and all inter-
 mediate points (Oceanside and Tus-
 tin not included) on the one hand,
 and Los Angeles and San Diego on
 the other hand.

Application No. 16732.

Libby & Sherwin, by George F. Wasson, Jr. for Applicant.

H. J. Bischoff for Coast Truck Line and for
 Rice Transportation Company, Protestants.

E. T. Lucey for The Atchison, Topeka and Santa Fe
 Railway Company, Protestant.

Rex W. Boston for P. R. Jakeway.

BY THE COMMISSION:

ORDER OF DISMISSAL.

In this proceeding Boulevard Express, Inc. has sought an order of this Commission for a certificate of public convenience and necessity to transport personal property by motor truck between Los Angeles and San Diego and all intermediate points, excepting only a local business between San Diego and Oceanside, and intermediate points, and a local business between Tustin and Los Angeles and intermediate points.

Public hearings on this application were conducted before Examiner Satterwhite at San Diego and Los Angeles and the matter was submitted for decision, with the understanding that an amended application would be immediately filed by the applicant.

Coast Truck Line, Rice Transportation Company and The Atchison, Topeka & Santa Fe Railway Company appeared as protestants.

Applicant is now an authorized owner and operator of freight franchises between Los Angeles and San Diego and certain intermediate points and alleges in its application that the sole purpose of this proceeding is to clarify certain questions which have arisen as to the right of applicant to operate north-bound and south-bound freight to certain intermediate points in said territory.

Evidence was offered by applicant indicating the public need for the proposed service to intermediate points, more particularly to an intermediate point now known as and called San Clemente.

The record shows that at the time of submission, and pursuant to a suggestion by the Commission, applicant expressed its willingness and desire to file forthwith an amended application, in order to make more clear and specific what additional service was proposed as to intermediate points.

This proceeding was taken under submission on December 16, 1930, and although three months have now elapsed and several written requests, still unanswered, have been made by the Commission so to do, applicant has not filed the amended application, as promised.

The Commission cannot countenance the long failure and neglect of applicant either to file said amended application, or to reply to its written communications in connection therewith, and while we have no desire to be harsh with applicant, we have but one course to pursue, namely, to dismiss the application because of failure of applicant's attorney to perfect the pending application in accordance with promise made at the hearing herein, and because of which promise protestants withdrew their protests.

Good cause appearing therefor,

IT IS HEREBY ORDERED that said application be and the same is hereby dismissed.

Dated at San Francisco, California, this ^{16th} day of March, 1931.

CL Seamy
Leon Whitehill
M. A. [unclear]
MB [unclear]
Fred G. Stewart
Commissioners.