

Decision No. 23536.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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CHAS. A. HAND,
 Complainant,
 vs.
 A. H. HOOPER,
 Defendant.

ORIGINAL

Case No. 3001.

Chas. A. Hand, in propria persona.

A. M. Hooper, in propria persona.

BY THE COMMISSION:

O P I N I O N

Chas. A. Hand has filed complaint against A. H. Hooper, alleging that said A. H. Hooper, holder of a contract for carrying the United States mail between the stations of Bakersfield and Onyx, and operating via Bakersfield, Kern River No. 1, Democrat, Hobo, Bodfish, Isabella, Kernville and Weldon, is transporting persons and property between the said points without first obtaining a certificate of public convenience and necessity from this Commission authorizing him to operate as a common carrier for compensation between fixed points and over a regular route as is required by the Public Utilities Act or the Auto Stage and Truck Transportation Act and effective amendments thereto. Complainant prays for an order of this

Commission requiring defendant to cease and desist from such illegal and unauthorized operations.

Defendant duly filed his answer herein, said answer being a general denial of the material allegations of the complaint.

A public hearing on the matters at issue in this complaint was conducted at Bakersfield, the matter was duly submitted, and is now ready for decision.

Philip W. Hand, brother of complainant, and driver of stage owned by complainant, testified as to checks made of stage owned and operated by defendant between Bakersfield and points in Kern County over the period February 6th to March 4th, 1930.

During the period referred to witness observed twenty-seven passengers being conveyed by defendant. This witness was able to identify some of the passengers. Witness also testified that Kernville Stage Co., the certificated carrier owned by complainant, had carried twenty-one passengers over the period of time above referred to.

K. A. Shaefer, manager of a garage in Bakersfield, testified that he tendered an express package to the defendant at Bakersfield, for delivery to a consignee at Isabella. Witness testified that the package was accepted and that he paid the defendant the sum of twenty-five cents for the service rendered.

J. W. Bickford testified that he had been transported by the defendant on December 29th, 1930 from Bakersfield to Isabella, and that he paid to the defendant the sum of three dollars as fare. The witness further testified that on December 29th, 1930 he was transported by the defendant from Isabella to Bakersfield, for which service he paid the sum of two dollars. The witness also testified that on January 15th,

1931 he again was transported by the defendant from Bakersfield to the Kern River Power House in Kern County. For this service he paid the defendant fifty cents.

John Mongold testified that on the 5th day of January, 1931 he was conveyed by the defendant from Bakersfield to Kern River Power House in Kern County. For this service the witness testified he paid the defendant the sum of one dollar.

Thomas Jennings testified that on the 19th day of January, 1931 he was conveyed by the defendant from Bakersfield to the Kern River Power House in Kern County, for which service he paid the sum of one dollar.

Ernest Michel testified that he tendered an express package to the defendant at Bakersfield, for delivery to a consignee at Bodfish, and that the defendant accepted the package. The witness further testified that he paid the sum of ten cents for the service rendered by the defendant.

At the hearing above referred to it developed that the name of the defendant should be recorded as A. M. Hooper rather than A. E. Hooper as outlined in the complaint.

After full consideration of the record we conclude, and hereby find as a fact, that A. M. Hooper has operated, and is now operating, an automobile stage as a common carrier of passengers and express between Bakersfield and Onyx, County of Kern, and intermediate points, over a regular route between the above mentioned fixed termini and without having secured a certificate of public convenience and necessity from the Railroad Commission as required by the Public Utilities Act and effective amendments thereto.

O R D E R

A public hearing having been held on the above entitled

complaint, the matter having been duly submitted, the Commission being now fully advised and basing its order on the conclusion and finding of fact as appearing in the opinion which precedes this order,

IT IS HEREBY ORDERED that A. M. Hooper immediately cease and desist from the operation of an automotive service as a common carrier of passengers and express for compensation, over the highways of this State between Bakersfield and Onyx and intermediate points, and not resume such operation unless and until said defendant shall have secured a certificate of public convenience and necessity from this Commission after proper application therefor in accordance with the provisions of the Public Utilities Act and effective amendments thereto.

IT IS HEREBY FURTHER ORDERED that the Secretary of this Commission be and he hereby is directed to forward by registered mail a certified copy of this order to the District Attorney of Kern County.

The effective date of this order is hereby fixed as twenty (20) days from the date hereof.

Dated at San Francisco, California, this 13rd day of March, 1931.

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Leon Whitely
W. A. ...
W. B. Harris
James G. ...
Commissioners.