

Decision No. 23514

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 F. D. FOWLER, (Faun D. Fowler) for)
 certificate of public convenience) Application
 and necessity to operate fast freight) No. 17205
 service between San Francisco and)
 Ukiah.)

ORIGINAL

Faun D. Fowler, for applicant.
 Edward Stern and R. S. Elliott, for American
 Railway Express Agency, Inc.
 O. A. Jones, for Southern Pacific Company.
 J. J. Geary, for Northwestern Pacific Railroad Company.
 H. S. Graham, for Petaluma & Santa Rosa Railroad Company.

BY THE COMMISSION -

OPINION

F. D. Fowler, applicant in the above entitled proceeding, petitions for a certificate of public convenience and necessity authorizing him to operate an automotive trucking service between San Francisco and Ukiah and intermediate points.

The rates proposed to be charged and the service proposed to be given are shown in exhibits attached to the application herein and made a part thereof.

A public hearing in this matter was held by Examiner Kennedy at San Francisco on March 18, 1931. Applicant at that time asked for a continuance, claiming that because of the inability of his attorney to be present he could not proceed. The matter was continued to April 14, 1931.

On April 14, 1931, applicant again appeared without counsel and announced that he would present his own case. As a witness on his own behalf he stated that there was a public need and necessity for the service he proposed, particularly the transportation of bread and cream. He presented no supporting

testimony and when advised that the Commission required competent, affirmative testimony asked for a further hearing at Ukiah, finally requesting that his application be dismissed.

Petaluma and Santa Rosa Railroad Company, Northwestern Pacific Railroad Company, Southern Pacific Company and Railway Express Agency, Inc., appeared as protestants. They offered no evidence.

Under the circumstances an order of dismissal should be entered in this proceeding, and such an order will be made. Applicant should be warned, however, that the Commission does not approve his conduct, and that any further proceeding instituted by him will be given little consideration unless he convinces the Commission that he is fully prepared to present his petition in a proper manner and has a better conception of the responsibilities entailed in a proposal to serve the public as a common carrier.

ORDER

Public hearings having been held in the above entitled matter and an order of submission made,

IT IS HEREBY ORDERED that the application of F. D. Fowler for a certificate of public convenience and necessity to operate an auto trucking service between San Francisco and Ukiah and intermediate points be and the same is hereby dismissed.

Dated at San Francisco, California, this 20th day of April, 1931.

Cl. Seaver
Leon C. Hubert
W. H. Linn
W. B. Harris
J. G. Stearns
COMMISSIONERS.