

Decision No. 23873

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on the Commission's own motion into the rates, rules, regulations, charges, classifications, practices, contracts, operations and schedules, or any of them, of FRANK OWENS, operating an auto trucking service between points in the State of California.

ORIGINAL

Case No. 3069

Hugh Gordon, for Administrator of the Estate of Frank Owens.

BY THE COMMISSION -

O P I N I O N

This proceeding was instituted by the Railroad Commission on its own motion for the purpose of determining whether any of the operations or practices of Frank Owens, to whom this Commission had granted a certificate of public convenience and necessity authorizing the operation of an "on call" trucking service between Los Angeles Harbor and Pomona and other points, were in any manner illegal or unlawful. A copy of the order herein was mailed to F. E. Owens, Administrator of the estate of respondent Frank Owens. It was received on June 2, 1931, by Mrs. F. E. Owens, according to a U. S. registered mail receipt returned to the Railroad Commission by the postal department.

A public hearing was held before Examiner Kennedy at Los Angeles, testimony heard and an order of submission made.

Hugh Gordon, Attorney for said administrator, and during the life time of Frank Owens, now deceased, his attorney, testified that after the passing of Frank Owens in 1928 his son, F. E. Owens, received a few calls for service. Finding that it interfered

with his garage business he referred all demands for service to one Moss, who was conducting a similar^{"on call"} service. No service has been performed by F. E. Owens, as Administrator, of the Frank Owens estate, under the Frank Owens right.

D. W. Davis, an accountant employed by the Commission, testified that he had called upon F. E. Owens, Administrator of the estate of Frank Owens, regarding the filing of annual reports covering the operations of the Owens truck service. F. E. Owens advised him that there had been no operation for the last two years, that the Owens line had no equipment and no assets. Mr. Owens expressed to Mr. Davis the thought that the operating right could be transferred if a customer could be found.

It now appears that a customer has been found. Thos. E. Lambert, to whom the estate owes \$270.00, is willing to take the operating right for the debt. His plan, according to his testimony, is to transfer it to one Harry Payne for a consideration of \$270.00, the amount due him from the Owens estate.

Giving the fullest consideration to the evidence in this proceeding, with particular reference to the plea that as the estate is a small one with outstanding claims the Commission should aid in its settlement by approving the plan outlined, we must find that it would not be sound public policy to do so. The Commission has consistently and repeatedly revoked operating rights because of abandonment of service. The law and the practices of the Commission provide ample means for the perpetration of an operating right upon the death of its owner. A prime requisite is that the service be maintained. Admittedly no service has been given over a period of two years. An order revoking the right will, therefore, be issued.

O R D E R

A public hearing having been held in the above entitled proceeding, evidence heard and an order of submission made,

IT IS HEREBY ORDERED that the operating right for an auto trucking service between Los Angeles Harbor and Pomona and certain other points, heretofore granted to Frank Owens by Railroad Commission Decisions No. 14825, 14899 and 23608 be and the same is hereby revoked and annulled, and

IT IS HEREBY FURTHER ORDERED that the tariffs and time schedules covering said service on file with the Railroad Commission in the name of Frank Owens be and the same are hereby canceled.

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

Dated at San Francisco, California, this 3rd day of

July, 1931.

C. Searcy

M. A. Carr

Fred G. Cleveland
COMMISSIONERS.