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Decision No. 10470

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of)
 J. W. HOUK and J. E. SMITH for)
 certificate of public convenience :
 and necessity to operate passenger :
 service between Chico, Butte County,)
 California, and The Bennett and Bell :
 Ranch, on Deer Creek, Tehama County, :
 California.)

Application No. 7763

BY THE COMMISSION,

ORDER OF DISMISSAL

In this proceeding J. W. Houk and J. E. Smith, co-partners, have made application to the Railroad Commission in which they petition for a certificate of public convenience and necessity authorizing the operation of an automobile stage line as a common carrier of passengers between Chico, Butte County and The Bennett and Bell Ranch, Tehama County, California.

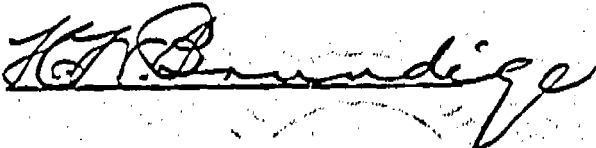
It appears from statements contained in applicants' petition that an annual round-up is held at The Bennett and Bell Ranch, lasting for a period of four days and that applicants herein propose to operate service under the certificate herein petitioned for for a period of four days only in each year.


Section 1, sub-section "c" of Chapter 213, Statutes of 1917, as amended, provides, in part: "that the term 'transportation company' when used in this Act means every corporation or person **** operating or managing any automobile.


jitney bus, auto truck, stage, or auto stage used in the business of transportation of persons or property, or as a common carrier for compensation over any public highway in this State between fixed termini or over a regular route." We are of the opinion that an extremely limited operation of from four to five days only between an incorporated city and a point where a carnival, rodeo, or some other form of public amusement will be conducted for a period of several days only, does not constitute engaging in the business of transportation as defined in the above mentioned Section, and that no certificate of public convenience and necessity is required of this Commission for such class of temporary transportation, nor could this Commission legally assume jurisdiction and issue a certificate authorizing a service not contemplated under the provisions of the above named Chapter. We, therefore, believe, that the present application should be dismissed.

IT IS HEREBY ORDERED that the above entitled application be, and the same hereby is dismissed.

Dated at San Francisco, California, this 17th day of May, 1922.






Commissioners