

Decision No. 10484

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of)
PICKWICK STAGES, NORTHERN DIVISION,)
a corporation, for a certificate of)
public convenience and necessity to)
operate an automobile stage line for)
the transportation of passengers and)
express packages between Santa Maria)
and Maricopa and intermediate points.)

Application No. 5273

Harry A. Encell for Frank C. Lloyd.

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION AND ORDER

Pickwick Stages, Northern Division, a corporation, by Decision No. 7081 on the above entitled application as decided February 5, 1920, were authorized to operate as a common carrier of passengers and express between Santa Maria and Maricopa and intermediate points, and tariffs were duly filed with this Commission covering the operation authorized by said Decision No. 7081. The Commission having received information that no service had been rendered at any time under the provisions of the certificate granted an order to show cause was issued under date April 25, 1922, directing applicant herein to appear and show cause why the certificate of public convenience and necessity heretofore granted by this Commission's Decision No. 7081 should not be revoked and annulled. Due service of the order to show cause was made upon Pickwick Stages, Northern Division, a corporation, and the hearing on said order to show cause was conducted by Examiner Handford at San Francisco on May 18, 1922.

the matter was duly submitted and is now ready for decision.

At the hearing on the order to show cause there was no appearance on behalf of applicant.

It appears from the testimony and the records of the Commission that there has been no service rendered by applicant herein over the route between Santa Maria and Maricopa covered by the certificate issued in Decision No. 7081 under date February 5, 1920, although the tariffs of applicant have contained a reference to this service as appearing in the tariff of Pickwick Stages, Northern Division, C. R. C. No. 7 and effective May 15, 1920. Re-issues of the tariffs of the Pickwick Stages, Northern Division have also contained rates over the territory between Santa Maria and Maricopa and intermediate points.

While the order in the Commission's Decision No. 7081 contained no requirement as to the date upon which service should be commenced the public has been unable to receive any service whatsoever by the facilities of the applicant over this route notwithstanding that a tariff filing covering rates therefor was regularly made with this Commission. It further appears that a certificate of public convenience and necessity has been granted to one, Frank C. Lloyd, covering operation between Santa Maria and Maricopa, such authority being conferred by Decision No. 9537 on Application No. 6932 as decided September 22, 1921, and it appears from the testimony herein that operation is now being given over this route by said Lloyd and that such operation was commenced shortly after the granting of the certifi-

cate to said Lloyd and was continued until December 24, 1921, when weather and road conditions rendered it impossible, to conduct service. Service was resumed on April 15, 1922, and has since been regularly given in accordance with published time schedules, and is being operated at this time.

In view of the fact that service by applicant herein was not inaugurated within a reasonable period of time, that no application was made to this Commission for an extension of time in which to operate and that the present necessity for transportation between Santa Maria and Maricopa and intermediate points is cared for by the service of an authorized carrier, we are of the opinion that the operative right heretofore granted to applicant herein should be revoked and annulled.

O-R-D-E-R .

Public hearing having been held on the order to show cause as issued in the above entitled proceeding under date April 25, 1922, the matter having been duly submitted and the Commission being fully advised and basing its opinion on the finding of fact as contained in the opinion which precedes this order,

IT IS HEREBY ORDERED that the rights and privileges heretofore granted to applicant herein under the provisions of Decision No. 7081 on Application No. 5273 as decided February 5, 1920, and covering the operative rights for the conduct of an automobile stage line as a common carrier of passengers and express between Santa Maria and Maricopa and intermediate points be and the same hereby are revoked, cancelled and annulled.

IT IS HEREBY FURTHER ORDERED that immediate cancellation be made by applicant of tariff filings covering the above men-

tioned route as now appearing in Section 9 of applicant's
tariff as filed with this Commission under C. R. C. No. 16.

Dated at San Francisco, California, this 20th day
of May, 1922.

H. B. Dunning

Erving Martin

W. C. Benedict

Commissioners.