Decision No. 10596

## ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of Vern Heliot for certificate of public convenience and necessity to operate motor freight service between Fresno and Auberry. California.

Application No. 7801.

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Harry M. McKee for applicant. L. N. Bradshaw for Southern Pacific Company and American Railway Express Company. protestants.

E. W. Cunningham for San Joaquin and Eastern Railroad Company.

BY THE COMMISSION.

## <u>O B I N I O N</u>

A public hearing was held by Examiner Westover on June 6th. 1922, at Fresno upon the above entitled application for permission to operate automobile freight truck service between Fresno and Auberry, serving Sharpeville, Grabner, Prather and Old Auberry as intermediate points. The present service between the above terminals is furnished by the Southern Pacific Company between Fresno and Fl Prado, and by the San Jogquin & Eastern Railroad Company between Fl Prado and Auberry, but the intermediate points are from a quarterof-a-mile to a mile from the railroad stations which are platforms, without shelter or agents. Applicant herein owns a store at Prather and operates an automobile truck to haul his own goods. He now seeks authority to haul for others, taking their orders and filling them in Fresno and returning with the goods the same day, making the deliveries also the

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same day without extra charges. It does not appear, however, that the present service to and from Auberry is inadequate or the cause of any complaint, as freight delivered to the railroad in Fresno before the close of its freight house at 4:00 p.m. is usually svailable for delivery to consignee at Auberry at 8:00 a.m. the finite morning.

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## <u>ORDER</u>

A public hearing having been held in the above entitled application, the matter being submitted and now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Vern Heliot of an automobile truck line as a common carrier of freight beald Auberry tween Fresno and Sharpsville, Grabner, Prather. and Filterio. but that public convenience and necessity do not require the operation of such service between Fresno and Auberry, and

IT IS ORDERED that certificate of public converience and necessity be, and the same hereby is granted, subject to the following conditions:

1. That applicant shall file within a period of ten (10) days from date hereof his written acceptance of the certificate herein granted, such written acceptance to contain a statement to the effect that his operations will be confined to the territory as covered by the certificate herein, and shall file within a period of not to exceed thirty (30) days from date hereof, in duplicate, tariffs of rates and time schedules identical with the tariffs of rates and time schedules contained in his application herein, and shall commence operating within a period of not to exceed thirty (30) days from date hereof.

2. The operative right herein granted shall not be transferred, abandoned, leased or assigned unless the written consent of the Bailroad Commission to such transfer, abandonment, lease or assignment has first been secured.

3. No vehicle shall be operated by Vern Heliot under the certificate herein granted unless such vehicle is owned by applicant or is leased by him under an agreement satisfactory to the Railroad Commission.

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Dated at San Francisco, California, this 16 th

day of June. 1922.

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