

Decision No. 10803

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application)
of W.A. GIBSON for certificate)
of public convenience and necessity)
to operate passenger and baggage)
service between Independence and)
Kearsarge.)

Application No. 7965

W.A. Lamar, Attorney, for Applicant
Frank C. Scherrer, for H. Levy Stage Line,
Protestant.

BY THE COMMISSION:

O P I N I O N

A public hearing was held by Examiner Westover at Lone Pine upon the above entitled application to operate passenger and baggage service between Kearsarge, on the Southern Pacific Railroad, and Independence, five miles distant, both in Inyo County.

Both applicant and the Levy line were established and operated years prior to jurisdiction of such carriers being conferred on the Railroad Commission, in 1917. Applicant continued to operate until 1920, when he quit without authority from the Railroad Commission, or notice to his patrons. Since that time he has operated illegally in a desultory way when there was freight to haul.

Both applicant and Mr. Levy have long been proprietors of hotels in Independence. Of the passenger business, three-fourths has been transporting guests of the two hotels.

Mr. Levy had the mail contract to July 1, 1922. Since that time applicant has carried the mail and would not have filed the above application but for the fact of having the mail contract.

There is no showing that public convenience and necessity require additional service, or that present service is not adequate or will not be so in the future. Possession of a mail contract is not sufficient showing to entitle one to operate freight or passenger service.

Sufficient ground for denying the application is found in the fact that applicant ceased operation without authority, resumed without authority, and is now operating illegally.

ORDER

W.A. Gibson having applied to the Railroad Commission for certificate of public convenience and necessity to operate passenger and baggage service between Independence and Kearsarge, a public hearing having been held on the application, the matter having been duly submitted, and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY CERTIFIES that public convenience and necessity do not require W.A. Gibson to operate automotive passenger and baggage service between Independence and Kearsarge, both in Inyo County.

IT IS HEREBY FURTHER ORDERED that W.A. Gibson forthwith cease transporting freight or passengers between

Independence and Kearsarge for others for compensation.

Dated at San Francisco, California, this 1st
day of August, 1922.

H. B. Burdige

Orwig Martin
Deed W. Kowee

Commissioners.