

Decision No. 10974

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
W. H. WIMER for certificate of public
convenience and necessity to operate :
freight (lumber only) service between
Callahan and Gazelle, Siskiyou County,)
California.)

Application No. 7994

ORIGINAL

W. H. Wimer in propria persona.

BY THE COMMISSION,

O P I N I O N

Applicant herein applies for a certificate authorizing the operation of automobile truck service for the transportation of lumber only between Callahan and Gazelle, Siskiyou County, California.

A public hearing on the above entitled application was held before Examiner Eddy on July 19th, 1922, at Weed, California, at which time the matter was submitted and it is now ready for decision.

While the applicant herein holds himself out as ready and willing to handle lumber for the public generally between the points which he proposes to serve at the rates named in his application, the record indicates that at the present time a sawmill operated by Schmitt Bros. at a point near Mountain Ranch, will furnish the entire tonnage available for transportation at this time. It is estimated that this mill will, during the present season, ship around four million feet of lumber. The handling of this commodity requires special equipment and a special service which the applicant herein is in a position to furnish. He

proposes to operate only during the season that the lumber is dry, that is from April to November of each year, and during a portion of this season will be obliged to operate night and day in order to meet the requirements of the mill.

On June 1st, 1920, the petition of Chas. A. Tyler and C. W. Lewis to transfer to Lewis a certain operative right for the conduct of an automotive freight service between Etna Mills and Gazelle was approved by the Railroad Commission. Callahan is a point intermediate between Etna Mills and Gazelle, being fifteen miles from the former and twenty-seven miles from the latter point. At the hearing on the present application Mr. Lewis appeared in support of Mr. Wimer's application, and stated that he did not own equipment suitable to enable him to handle the lumber traffic, as, in addition to the United States Mail, he transports only a small amount of merchandise and a few passengers. Mr. Lewis' equipment consists of a Reo speed wagon and a Federal truck, while the applicant herein owns two trucks of $3\frac{1}{2}$ -ton and 5-ton capacity.

We are of the opinion that a public necessity requires the service as herein proposed and that an order should be entered accordingly.

ORDER

A public hearing having been held on the above entitled application, evidence submitted and the Commission being fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the operation by W. H. Wimer of an automobile truck line as a common carrier of lumber only between Callahan and Gazelle, Siskiyou County, California, during the period April to November of each year, and a certificate of public convenience and necessity be, and the same hereby is granted, subject to the following conditions:

1. That applicant herein shall file within a period of not to exceed ten (10) days from date hereof, his written acceptance of the certificate herein granted; shall file, in duplicate, within a period of not to exceed twenty (20) days from date hereof, tariff of rates and time schedules, such tariff of rates to be identical with those filed as Exhibit "A" in connection with the application herein; and shall commence operation of the service herein authorized within a period of not to exceed thirty (30) days from date hereof.

2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

3. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 7th
day of September, 1922.

H. B. Burdick
Dwight Martin

W. J. Penick
Commissioners