

ORIGINAL

Decision No. _____

Decision No. 5398

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of PICKWICK STAGES, Northern Division, for a certificate of public convenience and necessity to operate a stage service between San Luis Obispo, California, and Coalinga, California, and intermediate points.)	Application No. 3726.
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In the matter of the application of Ben J. Byles for certificate of public convenience and necessity to operate passenger and parcel service between Coalinga and Paso Robles.)	Application No. 3744.
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M. C. Folsom for applicant in No. 3726 and for Pickwick Stages, Northern Division, protestant in Ap. 3744.

M. R. Van Wormer for Ben J. Byles, protestant, and for J. E. Price and John Boyd, in Ap. No. 3726.

Ben J. Byles in propria persona in Ap. No. 3744.

J. E. Price (Red Star Stage Line) in propria persona in Ap. 3744.

BY THE COMMISSION:

OPINION

Pickwick Stages, Northern Division, a corporation, applies for authority to operate ^{automobile} passenger stage service between San Luis Obispo and Coalinga.

Ben J. Byles applies for authority to operate an automobile passenger stage service between Coalinga and Paso Robles.

A public hearing upon Mr. Byles' application was held by Examiner Westover at Paso Robles on June 6th, and upon Pickwick Stages' application at San Luis Obispo on June 7th.

The filing of these applications resulted from the fact that Mr. Byles did not file his tariff and schedules, as required by General Order No. 47, of which it appears that he did not

receive copy.

Mr. Byles has been operating between Paso Robles and Coalinga via Estrella and Parkfield over an unpaved mountainous road, a distance of about 60 miles, for a number of years, except at periods when the road has been impassable because of storms. The testimony shows that there are twenty crossings of streams between Coalinga and a point twelve miles southerly, where a seven and one-half mile mountain grade begins, and that only two of the crossings are bridged. In the rainy season there are frequently long periods when the road is impassable for autos or teams. Mr. Byles appears to have maintained his scheduled service when practicable.

Pickwick Stages presented no evidence tending to show public convenience or necessity for the service proposed by it, except by calling Mr. Byles to the stand and showing by him the business done by him, which testimony he had presented the day before in support of his own application at the hearing at Paso Robles.

It also appeared in evidence that the City of Coalinga had granted a permit to Mr. Byles and denied the application for permit by Pickwick Stages. Pickwick Stages has made applications for permits to the ^{other} governing bodies in interest, which applications have not yet been acted upon.

Pickwick Stages has authority to operate between Los Angeles and San Francisco, the route leading through Santa Maria and the adjacent oil fields, San Luis Obispo, Paso Robles and San Miguel. The proposed service to Coalinga would be via San Miguel, Estrella and Parkfield. The only new authority needed would be for operation between Coalinga and San Miguel. San Luis Obispo was stated as a terminal for the reason that applicant would probably operate cars from Coalinga through to that

point or possibly Santa Maria or beyond, and it was felt that under these circumstances a compliance with the law would require the statement of San Luis Obispo as a terminal.

The route of both applicants is identical from Coalinga to Estrella, which is about nine miles southeast of San Miguel and about nine miles northeast of Paso Robles.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Ben. J. Byles of an automobile stage line as a common carrier of passengers between Coalinga and Paso Robles and intermediate points; provided, however, that this declaration shall not become effective until Ben. J. Byles shall have filed with the Railroad Commission permits from the Boards of Supervisors of the Counties of San Luis Obispo and Fresno and from the Boards of Trustees of the Cities of El Paso de Robles and Coalinga in accordance with the provisions of Section 3 of Chapter 213, Laws of 1917; and provided further that the rights and privileges herein granted shall not be assigned or transferred unless the written consent of the Railroad Commission to such assignment or transfer has first been secured.

IT IS HEREBY ORDERED that no vehicle may be operated under this certificate unless such vehicle is owned by the applicant herein or is leased by such applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that the application of
Pickwick Stages, Northern Division, be and the same hereby is
denied.

The foregoing opinion and order are hereby approved and
ordered filed as the opinion and order of the Railroad Com-
mission of the State of California.

Dated at San Francisco, California, this 17th day of
July, 1918.

Edwin O. Edgerton
H. H. Loveland
W. E. Gordon

Commissioners.