

ORIGINAL

Decision No. 7369.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of)
V. M. TORRES for certificate of public)
convenience and necessity to operate)
passenger, freight and express service) Application No.4113.
between Simmler and San Luis Obispo.)

Albert Nelson for Applicant.

S. V. Wright for J. E. Price and E. L. McConnell,
Protestants.

BY THE COMMISSION:

O R D E R

V. M. TORRES has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of passengers, freight and express between Simmler and San Luis Obispo.

A public hearing on this application was conducted by Examiner Handford, at San Luis Obispo, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with a schedule marked exhibit "A" and attached to the application in this proceeding and to operate on a schedule of three round trips per week serving as intermediates the communities at Santa Margarita, Pozo and La Panza, using as equipment one five passenger Buick automobile, licensed by

State Motor Vehicle Department under License Number 259229.

Applicant relies as justification for the granting of the desired certificate upon the alleged fact that the existing transportation service is not sufficiently frequent and indirect connections are made from San Luis Obispo to Simmler, Pozo and La Panza.

Witness for applicant testified as to the volume of traffic offering over the route proposed to be served, the freight and express consisting principally of groceries, bread and small packages which may be offered for transportation from San Luis Obispo to points proposed to be served along the route approximately one hundred pounds being offered on each outgoing trip.

This application is protested by J. E. Price and E. L. McConnell; J. E. Price operating a passenger stage service between San Luis Obispo and Pasa Robles and applicant would operate over the same route as regards the territory between San Luis Obispo and Santa Margarita. E. L. McConnell operates a freight and express service between Pasa Robles and San Luis Obispo and applicant proposes a duplicate service over the portion of the route between San Luis Obispo and Santa Margarita. At the hearing on this application it was stipulated by attorney for applicant that application would be amended on the basis of eliminating any local service, either freight or express, between San Luis Obispo and Santa Margarita thereby disposing of the protests of J. E. Price and E. L. McConnell.

The proposed establishment of the stage and freight line will serve the territory not now covered by regular auth-

orized motor transportation and we are of the opinion that the application should be granted subject, however, to the elimination of local service, both freight and passenger, between San Luis Obispo and Santa Margarita.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by V. M. Torres of an automobile stage line as a common carrier of passengers, express and freight between San Luis Obispo and Simmler; provided, however, that this authorization does not confer authority for the carriage of passengers, freight or express locally between San Luis Obispo and Santa Margarita and intermediate points; the rights conveyed by this certificate being for the carriage of passengers, freight and express between San Luis Obispo and points intermediate between Santa Margarita and Simmler; and, provided, further, that the rights and privileges hereby granted may not be transferred or assigned unless the written consent of the Railroad Commission to such transfer or assignment 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.

Dated at San Francisco, California, this 5th day of April, 1920.

Edwin O. Edgerton
A. D. Loveland
Walter D. M.
H. H. Bundege
Irving Mason

Commissioners.