

Decision No. 7788

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application )  
of Ben W. Spagnoli for Certificate )  
of Public Convenience and Necessity )  
to operate passenger service between )  
Concord and Avon, near Bay Point. )

APPLICATION NO. 5765.

BY THE COMMISSION:

O R D E R

Ben W. Spagnoli has made application to the Railroad Commission petitioning for a certificate of public convenience and necessity to operate a motor truck passenger carrying service between Concord and Avon, California. The applicant is sole owner of a truck which he uses in his work at the Associated Oil Company. Workmen at the Associated Oil Company's plant, including Spagnoli, the owner of the truck, reside in Concord and have no adequate or convenient means of transportation to and from their place of business. The Southern Pacific Company operates a restricted service over the line, but at inconvenient hours during the day so far as these workmen are concerned, therefore the fact is established that public convenience and necessity would be served by the creation of such service.

A letter from the Southern Pacific Company, under date June 15, 1920, advises "We will not oppose this application and have no objections to your issuing decision in an ex parte proceeding."

The Commission is of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted.

IT IS HEREBY DECLARED that public convenience and necessity require the establishment of automobile passenger service between Concord and Avon and that a certificate of public convenience and necessity should be issued and the same hereby is issued, subject to the following conditions:

1- That the applicant, Ben W. Spagnoli, will file with the Railroad Commission a written acceptance of this certificate within twenty (20) days from the date of service hereof and that operation of such service will commence within ninety (90) days from the date of service hereof.

2- That the applicant, Ben W. Spagnoli, will be required to immediately file a tariff of rates, rules and regulations and a time schedule, in accordance with the provisions of General Order No. 51 and other regulations of the Railroad Commission.

3- That the rights and privileges hereby 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.

4- That no vehicle may be operated by the applicant, Ben W. Spagnoli, unless such vehicle is owned by him or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 24<sup>th</sup> day of June, 1920.

H. S. Loveland  
W. C. R. M. M. M.  
W. C. R. M. M. M.  
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Commissioners