

ORIGINAL

Decision No. 2051.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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BAKERSFIELD & LOS ANGELES FAST FREIGHT)
COMPANY, a corporation,)
Complainant.)

-vs-

E. A. KUYKENDALL,)
Defendant.)

Case No. 1477.

BY THE COMMISSION:

Geo. Clark for Complainant.

John R. Laynd for Defendant.

O P I N I O N

Bakersfield & Los Angeles Fast Freight Company, a corporation; complains against E. A. Kuykendall, doing business under the fictitious name of Ridge Route Express, alleging illegal operation by defendant in that the route authorized under Decision No. 7063 on Application Number 4852, decided January 27, 1920, has not been observed; that defendant has operated illegally over a portion of the route covered by Decision Number 7063 on Application Number 4928 granting to George M. Duntley, predecessor in interest to complainant herein, the right to operate an automobile truck service as a common carrier of freight between Los Angeles and Bakersfield; that on numerous occasions defendant has taken freight at Los Angeles intended by shippers to be transported via the line of the complainant and has delivered same; that defendant has failed and refused to take shipments of freight offered by shippers to be delivered at the communities of Elizabeth Lake, Neenach and Fairmont, such communities being on the authorized

route of defendant; that the schedule of defendant has not been observed; that on numerous occasions defendant has failed to reimburse shippers for losses of freight consigned to him for shipment.

Defendant, by his attorney, filed a written waiver of answer.

A public hearing on this matter was conducted by Examiner Handford at Los Angeles on August 25, 1920, the matter was duly submitted and is now ready for decision.

At the hearing the attorney for defendant admitted all allegations in the complaint with the exception of the allegation as to the failure of defendant to reimburse shippers for losses of freight consigned to him for shipment.

Witnesses for complainant testified as to the character of operation as conducted by defendant, that points on his authorized route were not served and that reimbursement had not been made for the value of shipments alleged to have been made and not delivered. Defendant offered no evidence in denial of the allegations of complainant and as defendant by his attorney has admitted all the allegations charged, with one exception, we are of the opinion and find as a fact that the operations of the defendant have not been conducted in accordance with the statutory law, the order of this Commission granting a certificate of public convenience and necessity (Decision No. 7063 on Application No. 4852, decided January 27, 1920) and the rules and regulations of this Commission, and that the prayer of the complainant should be granted in accordance with the following order.

O R D E R

A public hearing having been held in the above entitled

proceeding, the matter having been duly submitted and the Commission being fully advised and basing its order on the finding of fact as set forth in the preceding opinion,

IT IS HEREBY ORDERED that the certificate of public convenience and necessity heretofore granted by this Commission to E. A. Kuykendall to operate an automobile truck service as a common carrier of freight between Bakersfield and Los Angeles serving as intermediate points the communities at Elizabeth Lake, Fairmont, Neenach, Sandsberg's, Bailey's, Lebec, Fort Tejon and Rose Station, as contained in Decision No. 7063 on Application No. 4582, decided January 27, 1920, be and the same hereby is revoked, cancelled and annulled.

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

Dated at San Francisco, California, this 2nd day of ~~August~~ ^{September}, 1920.

Edwin O. Edgerton

Frank A. Doherty

H. R. Brundage

Irving Martin

Commissioners.