

ORIGINAL

Decision No. 8352

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
E. V. Rideout Company, for authority)
to lease certain operative rights in)
automobile freight service between)
Alviso and San Jose, Palo Alto,)
Mount Eden, Decoto and intermediate)
points, to Highway Transport Company.)
a corporation.)

APPLICATION NO. 6227.

BY THE COMMISSION:

O P I N I O N

E. V. Rideout and the Highway Transport Company, made application petitioning the Railroad Commission for authority for the applicant, E. V. Rideout Company, to lease certain operative rights for the conduct of an automotive freight service between Alviso and San Jose, Palo Alto, Mount Eden, Decoto and intermediate points, to the Highway Transport Company, a corporation.

A public hearing was held at San Francisco on November 4, 1920 and the matter is now ready for decision.

On March 15, 1920 in Application No. 5453, Bay Cities Transportation Company made application petitioning the Railroad Commission for certificate of public convenience and necessity to operate motor truck freight service between Alviso and San Jose, Niles, Palo Alto and intermediate points. Decision No. 7486 on April 26, 1920 granted them authority. Page 3, paragraph 1 of the order, provided that an acceptance of the order in this proceeding

should be filed with the Commission within twenty days from the date thereof and that the service would commence on this line within ninety days from the date thereof. Service was not commenced within the ninety days period, but on August 6, 1920 the Bay Cities Transportation Company made written request to the Railroad Commission for an extension of time for the commencement of service of sixty days, for the reason that they had been unable to rent or buy a barge or launch and that they had been having some labor troubles. The Commission granted an extension of time upon the request referred to above to October 31, 1920.

By Application No. 6099, filed September 8, 1920, the Bay Cities Transportation Company asked authority to sell and transfer their operative rights to the E. V. Rideout Company. This authority was granted by Decision No. 8109 on September 16, 1920. Page 2 of the order in this proceeding (paragraph 1) provided that E. V. Rideout Company would within twenty days from the date thereof file with the Commission a written acceptance of the order in that proceeding. This they failed to do.

The testimony showed that applicant, E.V.Rideout Company, had operated only between Alviso and San Jose by hiring the City Truck & Transfer Company of San Jose to handle the business, and the lease, or agreement, whereby the City Truck & Transfer Company operated for the E. V. Rideout Company was not filed with the Railroad Commission. The E. V. Rideout Company was not represented at the hearing and all through these proceedings have shown an indifference to the interests of the operation of the line for which this Commission had issued a certificate of public convenience and necessity declaring that such a service was required, and taking into consideration the lack of obedience to the requirements of the

orders in these proceedings, the Commission believes that this application should be denied and that the operative rights of E. V. Rideout Company between Alviso and San Jose, Palo Alto, Niles and intermediate points should be declared null and void.

O R D E R

IT IS HEREBY ORDERED that good cause appearing and the Commission being fully advised, this application should be and the same is hereby denied, and that the operative rights of E.V. Rideout Company between Alviso and San Jose, Palo Alto, Niles and intermediate points are hereby declared null and void.

Dated at San Francisco, California, this 17th day of November, 1920.

Edwin C. Edgerton
H. D. Loveland
Frank P. DeWitt
H. B. ...
Dwight ...
Commissioners.