

ORIGINAL

Decision No. 8653

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application)
of Kitchen, Boyd and Ingalls)
for certificate of public con-)
venience and necessity to operate)
passenger auto stage between)
Moshier's and Tupman Lease via)
S. P. Lease.)

Application No. 6529

BY THE COMMISSION

ORDER OF DISMISSAL

The above entitled application is for certificate of public convenience and necessity to operate automobile passenger service between Moshier's and Tupman Lease via S. P. Lease. It develops that all of proposed route traverses private road over which this Commission has no jurisdiction. Section 1 (c) and (d) of Chapter 280 Laws of 1919 reading in part as follows: "The term "transportation Company" when used in this act, means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any automobile, jitney bus, auto truck, stage or auto stage, used in the business of transportation of persons or property, or as a common carrier, for compensation over any public highway in this state"***** The term "public highway" when used in this act means, every public street, road, or highway in this state."

It is very apparent that this Commission's jurisdiction does not extend to the granting of certificate of public convenience and necessity over private roads, and that this application should be dismissed.

IT IS HEREBY DECLARED that said application be and the same is hereby dismissed.

Dated at San Francisco, California, this 21st day of February, 1921.

H. H. Leonard
Frank R. Hobbs
H. H. Roundig
James Martin
Robert H. Kowle

Commissioners.