

*ORIGINAL*

Decision No. 9079

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

BENJ. TONINI,

Complainant,

Vs.

D. S. ROZA,

Defendant.

Case No. 1542.

S. V. Wright for Complainant.

M. A. Fitzgerald for Defendant.

BY THE COMMISSION.

O P I N I O N

The complaint alleges that defendant, during two months, December 26, 1920 to February 26, 1921, was irregular in operating his stage line between San Luis Obispo and Cambria, and that on certain dates in February, 1921, he did not run at all. The answer denies these allegations.

A public hearing of the case was held by Examiner Westover at San Luis Obispo.

It appears from the complaint and the testimony at the hearing that at times during the rainy season it was almost impossible to operate because of weather and road conditions. However, defendant seems to have made every scheduled trip except one, either with his regular stage or with hired vehicles. On

several occasions his stage was in the garage for repairs and he employed others who made the trips for him. On the one occasion when the scheduled trip was not made, the weather and roads were very bad, and he explained to a man and wife, who were prospective passengers, that it was doubtful if they could get through, but that he would take them through if possible, but they decided to wait and he took them the following day. On some occasions, when roads were very bad and he was very late on his westbound trip, he telephoned from Cayucos and hired a car to bring passengers from Cambria and take passengers from Cayucos. This was in an effort to maintain regular schedule between Cayucos and San Luis Obispo, better than could be done by operating the regular stage through.

O R D E R

A public hearing having been held in the above entitled case, the matter being submitted and ready for decision,

IT IS HEREBY ORDERED that the complaint be and it is hereby dismissed.

Dated at San Francisco, California, this 9<sup>th</sup> day of June, 1921.

H. H. ...

H. S. ...

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Commissioners.