



freight automotive truck service between Alviso and San Jose, Palo Alto, Mt. Eden, Decoto and intermediate points. This application was given No. 5453 and after a hearing a certificate of public convenience and necessity was granted by Decision No. 7486, dated April 26, 1920.

In a communication addressed to the Commission, dated May 15, 1920, the Bay Cities Transportation Company accepted the authority granted in Decision No. 7486, Application No. 5453; under date August 6, 1920, the Bay Cities Transportation Company requested an extension of sixty days within which to commence operation of service; by an order dated August 23, 1920, extension of time was granted to and including October 31, 1920; under date September 8, 1920, the Bay Cities Transportation Company filed an application (No. 6099) for authority to sell its operative rights to the E.V. Rideout Company, and by Decision No. 8109, dated September 16, 1920, this Commission granted authority to transfer these operative rights; under date October 19, 1920, in Application No. 6227, the E.V. Rideout Company sought authority to transfer all of its operative rights under the certificate originally held by the Bay Cities Transportation Company (Application No. 5453) to the Highway Transport Company; under date November 17, 1920, by Decision No. 8352, the Commission denied the application of the E. V. Rideout Company to transfer to the Highway Transport Company upon the grounds that neither of the holders of the certificate granted by Decision No. 7486 in Application No. 5453 had complied with the conditions imposed by the opinion and order therein, inasmuch as no regular service had ever been performed by them between Alviso and San Jose, Palo Alto, Decoto, Mt. Eden and intermediate points and that,

therefore, the certificate should be cancelled; under date November 20, 1920, the E.V. Rideout Company and the Highway Transport Company petitioned for a rehearing in Application No. 6227 upon the grounds that the E.V. Rideout Company had not had opportunity to exercise its privileges under the provisions of Section 5 of the Automobile Stage & Transportation Act, Chapter 213, Statutes 1917, as amended by Chapter 280, Statutes 1919. Following receipt of this application the Commission entered its order to show cause, dated December 8, 1920, heretofore referred to. This order was set for hearing before Examiner Geary at San Francisco December 14, 1920, but upon request of the attorneys for the E.V. Rideout Company and the Highway Transport Company was postponed to December 28, 1920, and upon further request from the interested attorneys was removed from the Calendar.

The Commission is now advised that the E.V. Rideout Company and the Highway Transport Company are no longer interested in the certificate of public convenience and necessity granted under Application No. 5453 to the Bay Cities Transportation Company, and the record shows that no service was ever performed in compliance with this certificate.

We are of the opinion, and believe that the conclusions reached in Decision No. 8352, Application No. 6227, were correct and now that all of the interested parties having been given full opportunity to appear before the Commission and having failed to respond,

