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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
J. L. EDELBLUTE, for certificate of)
public convenience and necessity to)Application No. 6608
operate a truck line service between)
Santa Barbara and Santa Ynez.)

W. P. Butcher for Applicant
J. F. Frick for C. E. Craig, Protestant
F. E. Free for Southern Pacific Company, protestant.

BY THE COMMISSION.

O P I N I O N

J. L. Edelblute seeks authority to operate freight
truck service between Santa Barbara and Santa Ynez, three round
trips a week, serving Gaviota, Las Cruces, Buell, Solvang and
Los Olivos as intermediate points.

A public hearing upon the application was held be-
fore Examiner Westover at Santa Barbara.

C. E. Craig protests against granting the applica-
tion on the ground that he operates passenger and express
service over the same route, except that Los Olivos is one of
his terminals, he serving Santa Ynez as an intermediate point.
He operates a passenger stage one round trip a day between
Santa Barbara and Los Olivos and a mail and express truck two
round trips a day between Gaviota on the Southern Pacific lines
and Los Olivos. However, the Commission's order authorizing
his passenger service does not authorize him to carry express
or freight, as no showing was made at the hearing that public
necessity and convenience required it. The application upon

which the order was based shows that even the proposed express service was limited to packages weighing fifty pounds or less.

The testimony shows that applicant began operating as soon as his application was filed, and has built up a considerable business transporting merchandise from Santa Barbara to the territory in question, his service being operated three round trips a week, alternating with a similar service given by the Southern Pacific Company between Santa Barbara and Gaviota on the other week days. Applicant's service was unauthorized and illegal, but was begun upon advice of his attorney. He seems to have acted innocently and in good faith. There being no other service to or from the points east of Gaviota, either by rail or truck and it appearing that applicant is giving a service needed by the communities in question, we will in this particular instance, under the circumstances shown, authorize the service although it was begun illegally. It can not be assumed, however, that similar action will be taken in any other case. It is to be presumed that the provisions of a law four years old and given wide publicity are generally known, at least to the legal profession, and the Commission expects to act upon this theory generally.

O R D E R

A public hearing having been held upon the above application, the matter being submitted and ready for decision,

The Railroad Commission hereby declares that public convenience and necessity require the operation by J. L. Edelblute of auto freight truck service between Santa Barbara and Santa Ynez, serving Gaviota, Las Cruces, Buell, Solvang and Los Olivas as intermediate points, and that certificate of public convenience and necessity be, and the same hereby is granted

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subject to the following conditions:

1. That applicant J. L. Edelblute shall file his
written acceptance of the certificate herein granted
within ten (10) days from the service of the order
herein, and that within thirty (30) days of the ser-
vice of the order herein, he shall file copies of
rates of fares and time schedules in accordance with
this Commission's General Order No. 51 and other
regulations of the Railroad Commission.

2. That the rights and privileges hereby authorized
may not be discontinued, sold, leased, transferred nor
assigned unless the written consent of the Railroad
Commission to such discontinuance, sale, lease, transfer
or assignment has first been secured.

3. That no vehicle may be operated by the applicant
herein, unless such vehicle is owned by said applicant,
or is leased by him under a contract or agreement on
a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 24ᵗʰ day
of June, 1921.

Commissioners

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