

Decision No. 9236

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

--000--

In the Matter of the Application of
O. B. GEFERKE for a certificate of
public convenience and necessity to
operate automobile passenger and
baggage service between MINDEN, NEVADA,
and a point at the crossing of the
TIAGO PASS ROAD and the EASTERN
BOUNDARY OF THE YOSEMITE NATIONAL
PARK, via COLEVILLE, PALE'S HOT SPRINGS,
BRIDGEPORT and MONO LAKE, CALIFORNIA.)
Application No. 6499

In the Matter of the Application of
CHAS. W. FULTON for a certificate of
public convenience and necessity to
operate passenger and freight service
between BRIDGEPORT, MONO COUNTY, and
MONO LAKE, CALIFORNIA.)
Application No. 6735

E. W. Hollingsworth for Chas. W. Fulton

BY THE COMMISSION:

O P I N I O N

In the two proceedings entitled as above, applicant, O. B. Gefeke, has applied for a certificate of public convenience and necessity permitting the operation of an automobile passenger and baggage service between Minden, Nevada, to the Eastern Boundary of Yosemite National Park, serving as intermediate points Coleville, Pale's Hot Springs, Bridgeport and Mono Lake.

Applicant Charles W. Fulton has applied for a certificate of public convenience and necessity authorizing the operation of automobile passenger and freight service between Bridgeport and Mono Lake, California.

A hearing on both of these applications was set before Examiner Westover at Yosemite on May 6th, 1921. At such hearing

applicant O. B. Gefeke did not appear, nor was he represented. Applicant Charles W. Fulton did not appear, but was represented by counsel, though neither applicant submitted any testimony whatsoever in support of their applications.

The Gardnerville Transportation Company is at present operating a freight service from Minden, and Gardnerville, Nevada, to Mono Lake and Farringtons, California. Anderson Brothers, operating the Gardnerville Transportation Company have forwarded to the Commission a sworn statement signed jointly by Charles W. Fulton, in which they state that they are willing that Mr. Fulton should be issued a certificate permitting the carriage of passengers and freight in small quantities between Bridgeport and Mono Lake. Charles W. Fulton at the present time holds an operative right to carry passengers between Bodie, California, and Mono Lake and his present application would in effect provide for an extension of his existing passenger service from Bodie to Bridgeport, serving as intermediate point Mormon Ranch.

As there is no existing passenger service at the present time between Bridgeport and Bodie, other than by private conveyance, it is the opinion of the Commission that such portion of the application of Charles W. Fulton should be granted.

No testimony having been offered by O. B. Gefeke in support of his application for a certificate to operate automobile passenger service between Minden, Nevada, and Eastern Boundary of Yosemite National Park, nor a reply having been received from him in answer to a letter of this Commission addressed to him subsequently to the date of hearing of his application at which he did not appear, it is the opinion of the Commission that such application should be denied.

O R D E R

O. B. Gefeks, having made application for a certificate of public convenience and necessity authorizing the operation of automobile and baggage service between Minden, Nevada, and the Eastern Boundary of Yosemite National Park, and Charles W. Fulton having made application for a certificate of public convenience and necessity to operate automobile passenger and freight service between Bridgeport and Mono Lake, a hearing having been had and the matters being now ready for decision,

IT IS HEREBY ORDERED that application No. 6499 be and the same hereby is denied.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the operation by Charles W. Fulton of an automobile stage line for the transportation of passengers only between Bridgeport and Bodie, serving as intermediate point Mormon Ranch, and a certificate of public convenience and necessity be, and the same hereby is granted subject to the following conditions:

1. That applicant Charles W. Fulton shall file a written acceptance of the certificate herein granted within ten (10) days from the date hereof and shall file in duplicate tariff of rates and time schedules within forty (40) days from the date hereof- operation to commence within not less than forty (40) days from date hereof. For all other purposes the effective date of this order shall be twenty days from date.

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 Charles W. Fulton, 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.

In all other respects Application No. 6735 be and the same hereby is denied.

Dated at San Francisco, California, this 15th of July, 1921.

H. B. Boudier

H. D. Lovland

J. W. Martin

Commissioners.