

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-oOo-

ORIGINAL

In the Matter of the Application of F. J. ROBERTI for certificate of public convenience and necessity to operate automobile passenger service between PORTOLA, CALIFORNIA, and the NEVADA STATE LINE to RENO.

)  
: Application No. 6658  
)  
}

F. J. Roberti in propria persona  
T. H. Hughes for Manford Olson -  
Frank Word, Protestants.

BY THE COMMISSION,

O P I N I O N

In this proceeding F. J. Roberti has made application to the Railroad Commission for a certificate of public convenience and necessity authorizing the operation of an automobile passenger stage line between Portola, California, and the Nevada State Line to Reno, Nevada, serving as intermediate points, Davis Mills and Beckwith.

A hearing upon such application was held before Examiner Satterwhite on August 8th, 1921, at Doyle, at which time and place the matter was submitted and is now ready for decision.

At the hearing on the above numbered application applicant asked for and was granted permission to amend his application so as to eliminate Davis Mills as an intermediate point to be served in connection with his proposed route.

The granting of this application was protested by Manford Olson and Frank Word on the ground that they were heretofore authorized by the Commission to purchase the operative right of one A. L. Parker between Portola and the Nevada State Line to Reno, Nevada. The records of the Railroad Commission showed that A. L. Parker was operating an automobile stage line prior to May 1st, 1917, the effective date of

Chapter 213, Statutes of 1917 and that in accordance with the rules and regulations of the Railroad Commission he filed on May 19th, 1917, tariff of rates and time schedules covering such service. In this proceeding, however, A. L. Parker, as a witness for protestants Mamford Olson and Frank Word testified, under oath, that he had abandoned his service in 1917 and had not operated his stage line since such time. It would appear therefrom that protestants Mamford Olson and Frank Word have no operative right between the points above named inasmuch as the order of this Commission authorizing A. L. Parker to transfer operative right to Olson and Word must be cancelled and annulled on the ground that A. L. Parker had no operative right to transfer, having arbitrarily abandoned his service.

Testimony in this proceeding showed that the trains of the Western Pacific Railroad Company leave Reno, Nevada for Portola at 3:45 P. M., applicant proposes to leave at 9 A. M. thereby enabling parties desiring to travel between Reno, Nevada and Portola, California to arrive at Portola in sufficient time to transact their business and return the same day if desired.

Applicant proposes to make one round trip each day except Sundays, leaving Reno, Nevada at 9 A. M., arriving at Portola, California at 1:30 P. M. and leaving Portola at 2:30 P. M. and to charge a rate of \$4.25 with a rate to intermediate points of nine cents per passenger mile.

Inasmuch as protestants Mamford Olson and Frank Word, have no operative right between the above points named and there is at the present time no legal authorized stage service over the route herein proposed to be operated by applicant, it would appear that a public necessity exists for the service herein proposed.

#### ORDER

A hearing having been held upon the above entitled application, the matter having been submitted and the Commission being fully advised,

IT IS HEREBY DECLARED that public convenience and necessity require the operation by F. J. Roberti of an automobile stage line for the transportation of passengers and baggage between Portola, California, and the Nevada State Line to Reno, serving as an intermediate point Beckwith and a certificate of public convenience and necessity be, and the same hereby is granted subject to the following conditions:

1. That applicant F. J. Roberti shall file within a period of ten (10) days from date hereof his written acceptance of the certificate herein granted and shall file within a period of thirty (30) days from date hereof, duplicate tariff of rates and time schedules in accordance with Exhibits "A" and "B" attached to his application herein and that he shall commence such operation within a period of thirty (30) days from date hereof. In all other respects the effective date of this order shall be twenty (20) days from date hereof.

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, F. J. Roberti, 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 18<sup>th</sup> day of August, 1921.

H. B. ...  
H. ...  
J. ...  
H. ...  
Commissioners