

Decision No. 9526.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 C. BOLTON and T. J. BENNETTS for cer-
 tificate of public convenience and
 necessity to operate a certain freight
 line, operating between Fresno, County
 of Fresno, and The Pines, Friant, South
 Fork and Indian Mission.

)
 Application No. 6779.

J. R. Fitch for Applicants.

L. N. Bradshaw for Southern Pacific
 Company.

BY THE COMMISSION.

OPINION

C. Bolton and T. J. Bennetts apply for authority to oper-
 ate a freight truck service between Fresno and The Pines in Madera
 County.

A public hearing upon the application was held by Exam-
 iner Westover at Fresno.

Applicants heretofore acquired from Bert A. Hamilton and
 Oscar L. Dimmick by Decision No. 8534, Application No. 6454, oper-
 ative rights under which they are now serving both Fresno and The
 Pines via Oneals, Fine Gold, North Fork and other points. By the
 present application they seek authority to serve Friant, which is
 on their present route, and to extend service to South Fork and to
 Indian Mission, each of which is located about three miles off the
 present route. There is no service of any kind to either of the
 latter points, but Friant is the terminus of the Southern Pacific

branch line via Clovis. It appears from the testimony, however, that the line now owned by applicants has actually served Friant continuously since 1915 (although it is not shown in their tariffs) and that they have actually served Indian Mission and South Fork for the past two years, operating three round trips per week, buying goods in Fresno for patrons and bringing them back to these mountain communities so served.

The Southern Pacific offers no objection to the proposed service to Indian Mission, at which there are as many as 50 pupils, nor to South Fork, but offered testimony tending to show its passenger and freight service to Friant.

Service having been inaugurated and maintained in good faith prior to May 1, 1917, applicants need no authority under the Act, although there appears to be no good reason why such service to Friant should not be specifically authorized; but it appears to be in the public interest that all three points should be shown on applicant's schedules and tariffs and that they assume the obligation of serving all three points.

ORDER

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

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require auto freight truck service by C. Polton and T. J. Bennetts to Friant, South Fork and Indian Mission in addition to the points now served by them between Fresno and The Pines.

The operative rights and privileges hereby established may not be transferred, leased, sold nor assigned, nor the said service abandoned unless the written consent of the Railroad Commission thereto has first been procured.

No vehicle may be operated in said service unless said vehicle is owned by the applicants herein or is leased by said applicants under a contract or agreement satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that applicants shall, within fifteen days from the date hereof, file with the Railroad Commission their schedules and tariffs covering said proposed service, which shall be in addition to proposed schedule and tariff accompanying the application, and shall set forth the date upon which the operation of the line hereby authorized will commence, which date shall be within thirty days from date hereof, unless time to begin operation is extended by formal supplemental order.

The authority herein contained shall not become effective until and unless the above mentioned schedules and tariffs are filed within the time herein limited.

Dated at San Francisco, California, this 19th day of September.

H. S. Kovaland
Dwight M. Mason
Charles J. Rowell

Commissioners.