

Case No. 9589

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of WM. F. HOEPNER and E. SERRETTO, co-partners, doing business under the fictitious name of "Fairfax-Pt. Reyes Stage," for certificate of public convenience and necessity to operate automobile passenger service as a common carrier between Fairfax and Pt. Reyes via Olema and intermediate points.

Application No. 7086.

H. A. Loveland, for applicant.

J. J. Geary and R. W. Palmer for
Northwestern Pacific Railroad Company, protestant.

BY THE COMMISSION.

OPINION

In this proceeding Wm. F. Hoepner and E. Serreto, doing business under the fictitious name of "Fairfax-Pt. Reyes Stage," have petitioned the Railroad Commission for a certificate of public convenience and necessity to operate an automobile passenger stage line as a common carrier of passengers and baggage between Fairfax and Pt. Reyes and intermediate points, all in the state of California.

A hearing was held upon the above entitled application before Examiner Satterwhite on September 30, 1921, at which time the matter was submitted and it is now ready for decision.

At such hearing applicants produced no evidence whatsoever in support of their application, nor did they produce any witnesses residing in the territory proposed to be served. Both applicants, testifying in their own behalf, stated that they desired to establish the proposed service merely on the ground that it was their opinion that it would be a paying business.

Northwestern Pacific Railroad Company, protestants, submitted testimony as to the service at present being rendered in the territory proposed to be served by applicants herein, such testimony being to the effect that the territory in question was very sparsely settled and was primarily a summer resort.

The Lagunitas Development Company, engaged in subdividing a large tract of land, consisting of approximately six thousand acres, also protested the granting of this application, stating that the population residing in the district proposed to be served desired a commutation service between their residences and San Francisco, and that if the stage line herein proposed was established it would materially delay the establishment of the commutation service, which was vitally necessary to the growth of this community.

The Commission in numerous previous decisions has repeatedly stated that the sole desire of the applicant to engage in the business of operating a stage line as a common carrier is in no way an affirmative showing that a public necessity exists for such service. As applicants herein have made no showing that a public necessity does exist for the public service which they propose, we are of the opinion that the application should be denied.

ORDER

A hearing having been held in the above entitled proceeding, evidence submitted and the Commission being fully informed,

IT IS HEREBY ORDERED that the application herein be, and the same is hereby denied.

Dated at San Francisco, California, this 4th day of October, 1921.

H. J. Loveland

Charles H. Jones

W. H. Donohoe