

ORIGINAL

Decision No. 9668.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of  
SIDWELL TRUCK LINE for certificate of  
public convenience and necessity  
to operate an automobile freight and  
express service between Loyaltan,  
California, and the Nevada-California  
state line intermediate to Reno,  
Nevada.

APPLICATION NO. 7163.

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A. C. Sidwell in Propria Persona.

James S. Moore, Jr., and Theodore  
Harte for Western Pacific Railroad  
Company, Protestant.

James S. Moore, Jr., and William  
McMann for American Railway Express  
Company, Protestant.

LOVELAND, Commissioner:

OPINION

A. C. Sidwell, proposing to operate under the fictitious name of Sidwell Truck Line, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile truck line as a common carrier of freight and express between Loyaltan and the Nevada - California state line as intermediate to operation terminating at Reno, Nevada.

A public hearing on this application was held at Portola on October 22, 1921, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with a schedule marked exhibit "A" and attached to the application in this proceeding and to operate on a schedule leaving Reno, Nevada; on Tuesdays, Thursdays, and Saturdays of each week and leaving Loyalton, California; on Mondays, Wednesdays, and Fridays of each week serving as intermediates in California the communities at Chilcote, Beckwith, and Hawley; using as equipment one signal truck of 2½ tons capacity.

Applicant testifying in his own behalf stated that he had been solicited by the ranchers in Sierra Valley to establish truck transportation service to care for shipments originating at or destined to Reno, Nevada; All shipments, for which a desire for truck transportation was voiced, are those intended for delivery at Reno or originating at Reno for delivery at Chilcote, Beckwith, Hawley or Loyalton. There is no testimony in this proceeding on behalf of applicant indicating that there is any necessity for intermediate transportation between points located in the State of California.

The granting of this application is protested by the American Railway Express Company and the Western Pacific Railroad Company and witnesses on behalf of such protestants presented evidence indicating the time schedules, rates and volume of traffic handled by the railroad and express company between Reno and the points proposed to be served in California.

There is no evidence before the Commission in this proceeding which justifies the granting of the application, the jurisdiction of the Commission extending only to the business that may be handled between points located in the State of California and, in the absence of affirmative testimony, the application will be denied.

Applicant is not required under the statutory law to secure a certificate of public convenience and necessity as regards operation between Reno, Nevada, and the points in California proposed to be served, Section 9 of Chapter 213, Laws of 1917, as amended, eliminating the jurisdiction of this Commission as regards interstate transportation, said section reading as follows:

"Neither this act nor any provision thereof shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this union, except in so far as the same may be permitted under the provisions of the constitution of the United States and the acts of congress."

ORDER

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission being fully advised,

IT IS HEREBY ORDERED, that this application be and the same hereby is denied, the authority of this Commission not being required for the handling of interstate business, as proposed by applicant between Reno, Nevada, and the communities of Chilcote, Beckwith, Hawley and Loyaltan, all of which are located in the State of California.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 28<sup>th</sup> day of October, 1921.

*H. P. ...*  
*H. P. ...*  
*H. P. ...*  
Commissioner