

Decision No. 9751

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of B. F. MORRIS and A. E. DOLAN, co-partners operating under the firm name of MORRIS DRAYING COMPANY for certificate of public convenience and necessity to operate automobile freight service as a common carrier of freight between San Francisco and Oakland and Berkeley, California.

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ORIGINAL

Application No. 7288

BY THE COMMISSION.

ORDER

In this proceeding B. F. Morris and A. E. Dolan, co-partners doing business under the fictitious name of Morris Draying Company, have made application to the Railroad Commission for a certificate of public convenience and necessity authorizing the establishment of an automobile truck line for the transportation of freight between San Francisco, Oakland and Berkeley.

Applicants claim in support of their petition that the present service which they are already operating, being the transportation of food stuff between San Francisco, Oakland and Berkeley, was inaugurated a number of years ago by one F. Joseph; that on January 21, 1918, in ignorance of the provisions of Chapter 213, Statutes of 1917, as amended, applicants herein purchased the equipment and business of F. Joseph and have continuously since such date operated the service in question; that only within the last few months have they become aware of the fact that truck companies engaged in the transportation of property for compensation between two fixed termini were required to secure a certificate of public convenience and necessity from the Railroad Commission, and they have now filed the present application in which they petition for the necessary certificate.

In connection with their application applicants have filed a statement signed by eight draying companies operating between San Francisco, Oakland and Berkeley, in which statement all of the signers waive any objection which they have to the granting of the present application by ex parte order due to the fact that the business conducted by applicants has been operated continuously since a date prior to the effective date of Chapter 213, Statutes of 1917.

Under such conditions it appearing to the Commission that this is a matter in which a public hearing is not necessary and that the application should be granted,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by B. F. Morris and A. E. Dolan, copartners doing business under the fictitious name of Morris Draying Company, of an automobile truck line for the transportation of freight between San Francisco, Oakland and Berkeley, and a certificate of public convenience and necessity be, and the same hereby is granted subject to the following conditions:

1. That applicants shall file within a period of not to exceed ten (10) days their written acceptance of the certificate herein granted and shall file within a period of not to exceed twenty (20) days duplicate copies of their tariff of rates and time schedules, substantially the same as the tariff of rates and time schedules attached to their application and marked Exhibits "A" and "B", and that operation under the certificate herein granted shall be commenced within a period of not to exceed thirty (30) days, from date hereof.

2. That the rights and privileges herein 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 applicants herein, unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 10th day of November, 1921.

H. B. Brundage
Drury Martin
Charles J. ...
W. H. ...
Commissioners