

Decision No. ~~9794~~ 9794.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of D. O. SULLIVAN for certificate of public convenience and necessity to operate a passenger, freight and express service, by means of stages or auto stages, between Willows, Fruto and Elk Creek, in the County of Glenn, State of California.

Application No. 7072.

R. L. Clifton, for Applicant.

BY THE COMMISSION:

O P I N I O N

D. O. Sullivan has petitioned the Railroad Commission, in accordance with his petition amended at the hearing, for an order declaring that public convenience and necessity require the operation by him of an automobile stage service as a common carrier of passengers and freight between Willows and Elk Creek, via Fruto and intermediate points.

A public hearing on this application was conducted before Examiner Satterwhite at Willows, on November 15, 1921, at 10:00 a. m. The matter was submitted and is now ready for decision.

Applicant proposes to charge rates and to operate on a time schedule in accordance with Exhibits A and C, attached to said application, using as equipment one five-

passenger Dodge commercial car, Model 1921, and such additional equipment as the traffic may require.

There was no opposition to the granting of this application.

The applicant is now engaged, under contract with the United States government, in carrying mail between Willows and Elk Creek, daily except Sundays.

The testimony shows that there are two general merchandise stores at Elk Creek and one at Fruto, and the owners of these stores have requested the applicant to establish this proposed service in order that more frequent and direct deliveries of goods, wares and merchandise may be made to them. The Southern Pacific Company operates a weekly freight service only between Willows and Fruto, which does not meet the demands of these merchandise stores for small daily consignments, such as bread, groceries and perishable supplies. Applicant has been carrying on an average of one or two passengers daily for the last ninety days. At the hearing the applicant amended his application by placing a maximum of 1250 pounds upon any consignment of freight over the proposed route.

After consideration of the evidence, we are of the opinion and find as a fact that public necessity and convenience require the operation by said applicant of this proposed service.

#### O R D E R

A public hearing having been held in the above application, the matter having been submitted and being now

ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by D. O. Sullivan of an automobile stage service as a common carrier of passengers and freight between Willows and Elk Creek, by way of Fruto and intermediate points,

Provided that 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, and

Provided further, that no vehicle may be operated in said service unless said vehicle is owned by the applicant herein or is leased by said applicant under a contract or agreement satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that applicant shall, within twenty (20) days from the date hereof, file with the Railroad Commission his schedule and tariff 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 ninety (90) days from date hereof, unless time to begin operation is extended by formal supplemental order.

Dated at San Francisco, California, this 23<sup>rd</sup> day of November, 1921.

W. B. O'Connell  
Livingston Martin

Robert H. Jones  
J. J. Kennedy

Commissioners.