

Decision No. 26327

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
F. A. DAVIS for authority to discon-
tinue operation of an automobile ser-
vice as a common carrier between
Oakland, and Orinda, Contra Costa
County, California.

Application
No. 19033.

In the Matter of the Investigation
on the Commission's own motion into
the operations, rates, rules, regu-
lations, time schedules and practices
of F. A. DAVIS, operating under the
name of TUNNEL ROAD TRANSIT COMPANY,
passenger and baggage transportation
service by auto stage between Oakland
and Orinda.

Case No. 3677.

ORIGINAL

F. A. Davis, Applicant and Respondent,
in propria Persona.

Edwin C. Wilcox for Oakland Chamber of
Commerce, interested party.

J. W. Detrick, interested party.

BY THE COMMISSION:

O P I N I O N

By its order herein issued September 2, 1933, the Commission cited F. A. Davis to appear and show cause why the automotive service for the transportation of passengers and baggage between Oakland and Orinda, as granted by Decision No. 25204, dated September 26, 1932, on Application No. 17982, should not be revoked for cause.

F. A. Davis has made application for authority to discontinue the operation of an automobile service as a common carrier under authority of this Commission between Oakland and

Orinda.

A public hearing herein was conducted by Examiner Satterwhite at San Francisco on September 13, 1933, the said matters were duly submitted and now are ready for decision.

F. A. Davis, applicant and respondent herein, testified that he had suspended all service for the transportation of passengers between Oakland and Orinda on July 21, 1933, due to the fact that the single vehicle he was using was repossessed by its legal owners. Mr. Davis testified that in operating this service for approximately eight months he had sustained a loss of approximately \$1500., including a delinquency upon the vehicle, and that he was unable to provide other equipment or continue operation. On the date he suspended applicant gave the Commission notice of the suspension and requested an order permitting discontinuance of service thereon pending his attempt to reorganize. The instant application to carry out this purpose was filed on August 4, 1933.

Mr. Davis stated he had been unable to provide any equipment or financial means to reestablish the service and that he would consent to the dismissal of his application for a suspension and also for the revocation of the certificate as he did not believe the operation, limited to Oakland and Orinda, could be made profitable. He also testified that while he at present was without funds he would, as soon as able, refund amounts due upon commutation tickets, the full use of which had not been had before discontinuance on July 21st and that the amount of such refunds would be between \$25.00 and \$50.00.

No one objected to the discontinuance of the service. The record is sufficient to carry out the purpose of the proceeding and the application will be dismissed and the certificate revoked.

O R D E R

The foregoing matters having been heard and submitted and the Commission being fully advised of all the facts in the premises, and good cause appearing,

IT IS HEREBY ORDERED that the certificate heretofore granted F. A. Davis for the operation of automotive service for the transportation of passengers and baggage between Oakland and Orinda, as provided for in Decision No. 25204, dated September 26, 1932, on Application No. 17982, be and the same hereby is revoked and annulled.

IT IS HEREBY FURTHER ORDERED that the tariffs and time schedules therefor now on file with this Commission be and the same hereby are canceled and annulled.

IT IS HEREBY FURTHER ORDERED that Application No. 19033 of F. A. Davis for authority to discontinue operation of an automobile service as a common carrier of passengers and baggage between Oakland and Orinda be and the same hereby is dismissed.

Dated at San Francisco, California, this 18th day of September, 1933.

C. C. Seaver
Leon Swartz
M. J. Green
M. B. Lewis
Commissioners.