

Decision No. 37478

ORIGINAL
RECORDED

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
(1) L. H. Breese for certificate of
public convenience and necessity to
operate (2) passenger bus service as
a common carrier between Brisbane and
City Limits of San Francisco.

} Application No. 19625.

C. L. Thomason and L. H. Breese, for applicant.

Ivores R. Dains , for Market Street Railway.

Ramsay Moran, for Richards & Moore, protestants.

H. C. Lucas and T. Finkbohner, for Pacific Grey-
hound Lines, interested party.

BY THE COMMISSION:

O P I N I O N

This is a petition of L. H. Breese to establish service as a common carrier for transportation of passengers between Brisbane and the city limits of San Francisco. The matter came on regularly for hearing in San Francisco before Examiner Johnson on October 17, 1934.

The need for a public carrier service was fairly well established by the evidence herein, some of which was offered by protestants to the application. The matter was particularly protested by Messrs Richards & Moore, whose application was heard on September 18, 1934, by Examiner Johnson. (Application No. 19564.)

The fact was brought out at the hearing that L. H. Breese had been operating an unlicensed and unauthorized common carrier service since March 5, 1934, Mr. Breese having originally applied for and secured a license from the State Board of Equalization for an on-call service. In spite of being advised by the

Railroad Commission, as appeared from his own testimony, he neglected to secure a certificate from this Commission during the eight months of his present operation. He filed this application subsequent to the hearing on the application of Richards & Moore. He established a scheduled service as appears from the card schedules introduced at the hearing, although he denied having been responsible for the publication of those cards. There is no doubt, however, of his running a regular and scheduled service between the same points for which he desires a certificate from this Commission. There being no evidence before the Commission that there is need for two services in this vicinity, the proof only going to the fact of the need for some sort of public carrier service, this application will have to be denied.

The Richards and Moore application is entitled to priority by reason of being the first application before this Commission; and certainly this applicant is not entitled to be considered as a preferred petitioner here by reason of the fact that he has operated illegally for the past eight months under a so-called Board of Equalization permit. The Commission is satisfied as to the need for a common carrier service, and that service having been covered by the order heretofore entered in favor of Richards and Moore, this application will have to be denied.

O R D E R

The Railroad Commission of the State of California
being satisfied from the evidence introduced in this appli-
cation,

IT IS HEREBY ORDERED that this application be denied.

Dated at San Francisco, California, this 29th day
of October, 1934.

Leon A. ...

M. A. ...

W. B. ...

A. ...

Frank ...

Commissioners.