

Decision No. 30387

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
(1) Burt W. Smith doing business
under the firm name and style of
Almaden Stages for certificate of
public convenience and necessity to
operate (2) General passenger, freight
and express service as a common carrier
between Stage Depot, 25 S. Market St.,
to Almaden, via Willow Glen.

Supplemental
Application
No. 19454

ORIGINAL

BY THE COMMISSION:

O P I N I O N

By this supplemental application Burt W. Smith, operating under the name and style of Almaden Stages, requests an order from this Commission authorizing him to discontinue and abandon all his automotive operations as a highway common carrier of property between San Jose and New Almaden and intermediate points as heretofore authorized by Decision No. 27250, dated August 6, 1934, and amendments, on Application No. 19454, and for a further order revoking said operating right.

In his application Mr. Smith states that since the granting of the authority referred to herein he has never exercised the property right issued thereunder. It further appears from the records of this Commission that Burt W. Smith has never filed a freight tariff nor has he provided any time schedule for the operation of this freight service.

Based upon the facts herein presented together with the further admission upon the part of applicant made in writing to the Commission under date of October 14, 1937, that he saw no possibility for establishing this service, and as it further appears that there has been no compliance with the conditions imposed in the decision above referred to, we are of the opinion that no public necessity

exists for this operation and the service has for all intents and purposes been abandoned.

We are of the further opinion that a public hearing in this matter is not necessary and the application should be granted.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Burt W. Smith, operating under the name and style of Almaden Stages, be and he is hereby authorized to discontinue and abandon all his automotive operations as a highway common carrier of property between San Jose and New Almaden and intermediate points as heretofore granted by Decision No. 27250.

IT IS HEREBY FURTHER ORDERED that Decision No. 27250 in so far as it pertains to the transportation of property as a highway common carrier be and the same is hereby revoked and annulled. In all other respects Decision No. 27250 is hereby declared to remain unchanged and in full force and effect.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 13th day of

December, 1937.

Alfred A. [Signature]
Leon [Signature]
Joseph [Signature]
Raymond [Signature]
Ray L. [Signature]
COMMISSIONERS.