

Decision No. 32773

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of WILLIS M. KLEINENBROICH, an in-
dividual, doing business as MODESTO
RIVERBANK OAKDALE STAGE LINE, to
amend operative rights limiting
express shipments (so called) to
shipments not exceeding 100 pounds
in weight.

ORIGINAL

Application No. 22960

BY THE COMMISSION:

O P I N I O N

In this application, Willis M. Kleinenbroich requests authority to abandon the transportation of shipments of property weighing in excess of 100 pounds each and for a revocation of his operating rights therefor.

The operative right involved was acquired by applicant under the authority of the Commission's Decision No. 24602, dated March 21, 1932, on Application No. 18022, as more particularly described therein. Said operative right, in general, authorizes the transportation of passengers and their baggage and packages weighing not in excess of 100 pounds each, between Modesto and Oakdale and intermediate points.

As justification for the authority sought, applicant alleges that in order to comply with the Commission's decisions, which prescribe rates, rules and regulations governing the transportation of property, would entail an elaborate tariff of class rates at an exorbitant cost to applicant, which would not be justified by the amount of such traffic handled; and that during the past

twelve months applicant has received no requests from any shipper to transport shipments weighing in excess of 100 pounds each.

This is not a matter requiring a public hearing, and we are of the opinion that the request is in the public interest and it therefore will be granted.

ORDER

Good cause appearing,

IT IS ORDERED that Willis M. Kleinenbroich is hereby authorized to discontinue the transportation of shipments of property weighing in excess of 100 pounds each, and the operative right therefor, heretofore acquired by said applicant by virtue of the authority conferred by Decision No. 24602 is hereby revoked and annulled.

This order is subject to the following conditions:

1. Applicant shall publish and file in its tariff, within thirty (30) days from the effective date hereof, and on not less than five (5) days' notice to the Commission and the public, a cancellation of the rates for the service herein authorized to be discontinued and abandoned.
2. Applicant shall transport no shipments of property weighing in excess of 100 pounds each, and no shipment may be transported except on passenger carrying vehicles.

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

Dated at San Francisco, California, this 19th day of September, 1939.

Paul W. [Signature]
Frank [Signature]
Carl [Signature]
[Signature]
Justice J. [Signature]
COMMISSIONERS