

Decision No. 23002

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
EARL C. COOK, d/b/a COOK'S STAGES,
for an order amending its certificate
of public convenience and necessity to
limit transportation of express matter
to shipments of 100 pounds or less.

)
) **ORIGINAL**
) Application No. 23002
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)
)

BY THE COMMISSION:

O P I N I O N

In this application Earl C. Cook, doing business as Cook's Stages, requests authority to abandon the transportation of shipments of property weighing in excess of one hundred pounds between Bakersfield and Taft and other points in the West Side Oil Fields District, and for a revocation of the operative right therefor.

The operative right involved was created by Decision No. 24788, dated May 23, 1932, on Application No. 18050. Said Decision authorizes the transportation of passengers and so-called express between Greenfield Corners and Taft and intermediate points; between Taft and Maricopa and intermediate points; between Taft and Lost Hills and intermediate points, via Fellows and McKittrick; between Bakersfield and Reward and intermediate points, via Rosedale, Buttonwillow and McKittrick; and between Bakersfield and Greenfield Corners and intermediate points, subject to the restriction that no package weighing in excess of one hundred pounds may be transported, provided that such restriction should not apply to shipments transported for or through the agency of Railway Express Agency, Incorporated, and milk and cream and empty containers therefor when being transported to or from a rail

junction point in connection with the rail transportation thereof. There are also certain local restrictions between some of the points served by applicant as more particularly set forth in Decision No. 24788.

As justification for the authority sought applicant alleges substantially as follows:

Applicant's principal business as a passenger stage corporation is the transportation of passengers and their baggage. The transportation of so-called express matter is merely incidental to the principal business of the transportation of passengers. In providing such transportation service the equipment used by applicant has been, and is, designed and constructed primarily for the convenience and comfort of passengers. Inasmuch as the property now transported by applicant must be carried in the same vehicle as that in which passengers are transported, with their baggage, it is not feasible to transport unlimited shipments of so-called express matter. The request for the transportation of shipments of property in excess of one hundred pounds is casual and infrequent.

In order to comply with the provisions of the rate orders of the Commission concerning rates, rules and regulations for the transportation of property, together with a publication of tariffs, would constitute an excessive financial burden upon applicant and one not warranted by the volume of applicant's express business.

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 will be granted.

O R D E R

Good cause appearing,

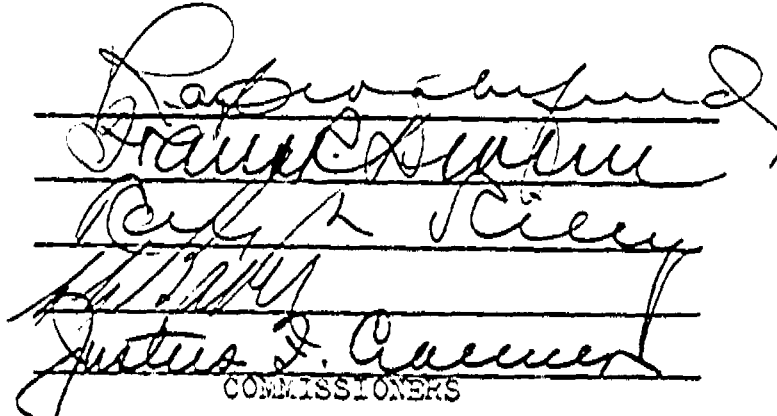
IT IS ORDERED that Earl C. Cook, doing business as Cook's Stages, is hereby authorized to discontinue and abandon the transportation of shipments of property weighing in excess of one hundred pounds, between all of the points authorized to be served by the order of Decision No. 24788, dated May 23, 1932, on Application No. 18050, and the operative right therefor, heretofore created by said Decision No. 24788, is hereby revoked and annulled, provided, however, that such abandonment and revocation shall not apply to the weight of shipments and vehicles of transportation for shipments transported for or through the agency of Railway Express Agency, Incorporated.

This order is subject to the following conditions:

1. Applicant shall publish and file in his tariff within sixty (60) 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 one hundred pounds and no shipments may be transported except on passenger carrying vehicles, provided, however, that such restriction as to the weight of shipments and vehicles shall not apply to shipments transported for or through the agency of the Railway Express Agency, Incorporated.

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

Dated at San Francisco, California, this _____ day of October, 1939.



COMMISSIONERS