

Decision No. 29875

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
MILES MORTON GILBERT for certificate)
of public convenience and necessity)
to operate automobile stage service,)
as a common carrier, between Banning)
and Twenty-nine Palms, California.)

Application No. 20947

ORIGINAL

BY THE COMMISSION:

OPINION AND ORDER
REVOKING CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY

By Decision No. 29551, dated February 19, 1937, on Application No. 20947, as amended by Decision No. 29875, dated June 21, 1937, Miles Morton Gilbert, operating under the name and style of Twenty-nine Palms Stage Line, was authorized to establish and operate an automotive service, as a common carrier of passengers and their baggage, between Banning and Twenty-nine Palms and certain intermediate points, on a seasonal basis from approximately September 1 to May 30 of each calendar year.

Decision No. 30075, dated August 28, 1937, on Application No. 20947, authorized Gilbert to suspend operation of his service until November 1, 1937, with the proviso that he must then resume. The period of suspension expired with no advice from this carrier as to whether or not he had commenced service, no request for additional authority to further suspend was forthcoming, and Commission

efforts to locate Mr. Gilbert failed. ⁽¹⁾

During this period, John C. Hastie applied for and was granted a certificate of public convenience and necessity by Decision No. 32477, dated November 28, 1938, on Application No. 22337 to establish and operate a similar service between the same termini heretofore served by Gilbert, whom, he alleged, had abandoned service. Gilbert, on November 12, 1938, advised the Commission in writing that he had no objection to such a service being established, and further advised that he did not intend to resume his operation, thus confirming Hastie's allegation. He also stated that he intended to apply for revocation of his operative rights. Such an application, however, was never filed.

In view of the facts of record in this matter, it is apparent that Miles Morton Gilbert has definitely abandoned his operative right and no longer renders service thereunder. It is further apparent that the public interest has been protected with the entrance into the field of Mr. Hastie. Therefore, it appears now in order to revoke the operative rights of Gilbert and to cancel his tariffs and time schedules therefor.

O R D E R

IT IS ORDERED that the certificate of public convenience and necessity heretofore granted to Miles Morton Gilbert by Decision No. 29551, as amended by Decision No. 29875, be and it is hereby

(1) Commission letter to Mr. Gilbert, dated September 8, 1939 and sent by registered mail to his last known address, was returned by the Post-office Department.

declared to have been abandoned and all tariffs and time schedules filed thereunder be and they are hereby cancelled.

IT IS FURTHER ORDERED that Decisions Nos. 29551 and 29875 be and they are hereby revoked and annulled.

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

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

Raymond J. ...
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Justus J. Casner
COMMISSIONERS