

ORIGINAL

Decision No. 34921.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Martin Schmidt and Nels Schmidt, co-)
 partners doing business under the)
 name and style of Martin Schmidt, for)
 an order authorizing the temporary)
 suspension of service as a common) Application No. 21266
 carrier by vessel on the inland)
 waters of the State of California.)

In the Matter of the Application of)
 Martin Schmidt and Nels Schmidt, co-)
 partners doing business under the)
 name and style of Martin Schmidt, for)
 a permit under the For-Hire Vessel Act) Application No. 21267
 of the State of California to operate)
 a vessel for the transportation of)
 property for compensation on the in-)
 land waters of the State of California.)

BY THE COMMISSION:

OPINION AND ORDER

By Decision No. 29996 of July 28, 1937, in the above entitled proceedings Martin Schmidt and Nels Schmidt, copartners doing business as Martin Schmidt, were authorized to suspend their common carrier by vessel service until July 26, 1938, and, upon suspension of that service, to operate the "Charles W" as a for-hire vessel. In that decision applicants were placed on notice that they would be expected to resume their common carrier service within the one-year period of suspension or forfeit operating rights therefor. Before that time had elapsed they

¹
 In re Vessel Operating Rights, 40 C.R.C. 493, their common carrier rights as of January 16, 1936, were defined as consisting of authority to transport hay and straw between specified points on the inland waters of San Francisco Bay and its tributaries. Their for-hire vessel permit is restricted to the transportation of cereals and cereal products, lumber, hay and straw between designated points on the same inland waters.

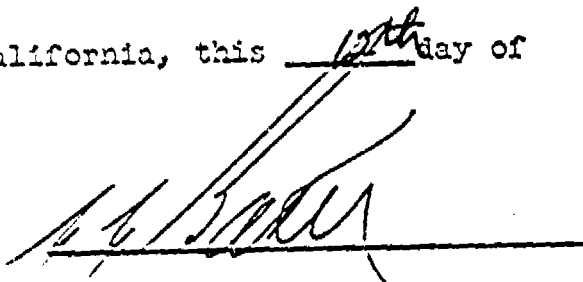
notified the Commission that they desired to discontinue common carrier operations and sought and secured authority to cancel their common carrier tariffs (Authority No. 63-14633 of June 20, 1938). For-hire vessel service was subsequently discontinued and thereafter the "Charles W" was sold. The copartners have informed the Commission that they have no objection to the cancellation of their for-hire vessel permit.

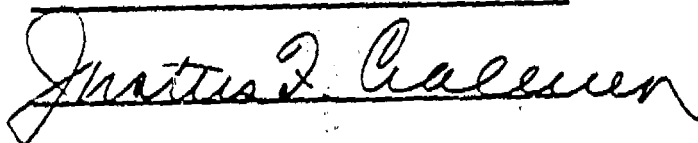
Therefore, good cause appearing,

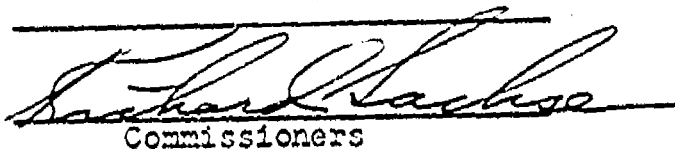
IT IS HEREBY ORDERED that the permit issued to Martin Schmidt and Nels Schmidt authorizing them to operate the vessel "Charles W" as a for-hire vessel upon the inland waters of this state and any and all operating rights as a common carrier by vessel which they may hold be and they are hereby revoked and annulled; and that all tariffs of Martin Schmidt and Nels Schmidt be and they are hereby cancelled.

This order shall become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, this 12th day of January, 1942.






Commissioners