

ORIGINAL

Decision No. 35674

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
D. O. SULLIVAN for authority to dis-)
continue operation of an automobile) Application No. 25121
service between Willows and Maxwell,)
via Stonyford.)

BY THE COMMISSION:

O P I N I O N

By the above entitled application D. O. Sullivan requests authority to abandon his highway common carrier service between Willows, Maxwell and intermediate points via Stonyford and Elk Creek.

Sullivan was granted a certificate of public convenience and necessity by Decision No. 9794, in Application No. 7072, which authorized him to transport passengers and freight between Willows, Elk Creek and intermediate points via Fruto. Subsequently, by Decision No. 13392, in Application No. 9955, applicant was authorized to extend his common carrier operation to Stonyford from Elk Creek and to render through service from Willows to Stonyford. Thereafter he was authorized by Decision No. 25528, in Application No. 18568, to discontinue and abandon his passenger operative rights. The highway common carrier rights remaining were extended from Stonyford to Maxwell by Decision No. 27186, in Application No. 19493.

It is stated in the application that until June 30, 1942. Sullivan had a mail contract with the Federal Government by the terms of which he received eighteen hundred dollars a year for his services as mail carrier. Such contract expired. It is averred

that a new agreement was executed thereafter and that Sullivan failed to receive the work of transporting the mails. This was a source of revenue vital to applicant's profitable operation. Attached to the application is a statement of Sullivan's receipts and disbursements for the fiscal year commencing July 1, 1941 and ending June 30, 1942. The recapitulation shows gross receipts, including mail revenue, of \$2736.42 and total disbursements of \$1914.08. The net return is \$822.34. Without the \$1800 derived from hauling mail, applicant would incur a loss of approximately \$1000 a year from his operations.

Applicant alleges there will be no increase in business as other carriers are obtaining much of the available traffic.

This does not appear to be a matter necessitating public hearing. Sullivan will be unable, under existing conditions, to conduct the operation profitably. Public need for the service does not exist. The application will be granted.

ORDER

IT IS ORDERED that D. O. Sullivan is authorized to discontinue and abandon his highway common carrier service between Willows, Maxwell and intermediate points via Stonyford and Elk Creek; and the operative authority therefor, granted by Decisions Nos. 9794, 13392 and 27186, are revoked and annulled hereby.

The authority herein conferred is subject to the following conditions:

1. Sullivan shall prepare and file with the Commission, in triplicate, and on at least five (5) days' notice, a supplement to his tariff and a time schedule cancelling his existing tariffs and service schedules in accordance with the authority herein granted.

2. The authority herein granted shall be exercised within sixty (60) days from the date hereof.

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

Dated at San Francisco, California, this 11th day of August, 1942.

Justus J. Green

M. B. B. B.

Frank D. Havens

Richard B. B.

COMMISSIONERS