

Decision No. 36049

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 A. S. EIRI for authority to suspend )  
 truck service between San Pedro and ) Application No. 25375  
 Sacramento. )

BY THE COMMISSION:

## O P I N I O N

This application is filed by A. S. Eiri and seeks authority to suspend highway common carrier service between San Pedro and Sacramento, including certain intermediate points. Applicant assigns, as a reason for such request, the fact that he is a person of Japanese ancestry and as such was evacuated to one of the assembly centers under control of the Wartime Civilian Control Administration; that all of his employees were Japanese and were likewise evacuated, and as a result of such action applicant was compelled to suspend his operations on March 23, 1942, and has been unable to resume operation since that date.

The operative right herein involved was created by Decision No. 34545, dated August 26, 1941 and granted to said Eiri a certificate of public convenience and necessity authorizing the transportation of fresh and frozen fish and shrimps from San Pedro, on the one hand, to Delano, Tulare, Visalia, Dinuba, Reedley, Fresno, Livingston, Turlock, Stockton, Lodi, Florin, Sacramento, Courtland, Walnut Grove and Isleton, on the other hand.

Applicant advised the Commission that he had discontinued service on March 27, 1942, on which date restrictive

military regulations were put into effect, though actual evacuation did not take place until May 13, 1942. Due to the confusion attendant upon evacuating, applicant was unable to get in touch with his attorney, hence the delay in filing application for suspension of service.

It is clear from the facts of record that the Commission has no alternative other than to grant the request for suspension of the service. By virtue of circumstances beyond his control applicant is precluded from continuing a service authorized in his certificate, and which he undertook and carried on in good faith. We see no necessity for a public hearing.

O R D E R

IT IS ORDERED that A. S. Eiri is hereby authorized to suspend, until further order of the Commission, all of his automotive service for the transportation of property between San Pedro, on the one hand, and Delano, Tulare, Visalia, Dinuba, Reedley, Fresno, Livingston, Turlock, Stockton, Lodi, Florin Sacramento, Courtland, Walnut Grove and Isleton, on the other hand, provided that he shall within ninety (90) days file, in triplicate, and upon not less than one (1) day's notice to the Commission and the public, supplements to his tariffs and time schedules showing the suspension of service as herein authorized.

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

Dated at San Francisco, California, this 27<sup>th</sup>  
day of December, 1942.

Justus F. Cramer

Francis L. Haven  
Richard R. Backe

COMMISSIONERS