

Decision No. 38152**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of NEVADA)
 COUNTY NARROW GAUGE RAILROAD COMPANY, a)
 corporation, for a certificate of public)
 convenience and necessity to operate buses)
 between Nevada City, Grass Valley and)
 Marysville for the transportation of)
 passengers, baggage and express, and to)
 consolidate this right with the remainder)
 of applicant's system.)

Application No. 26181

In the Matter of the Application of OSCAR)
 ROSS HATTEN and MARVIN E. HATTEN doing)
 business as HATTEN BROS., for a certifi-)
 cate of public convenience and necessity)
 for the transportation of passengers and)
 express for compensation by automotive)
 equipment between Marysville and Nevada)
 City, California and intermediate points)
 more specifically set forth herein.)

Application No. 26193

In the Matter of the Application of GIBSON)
 LINES, a corporation, for a certificate of)
 public convenience and necessity, to oper-)
 ate an automotive stage service for the)
 transportation of passengers, baggage and)
 express between Marysville and Grass)
 Valley and Nevada City, via California)
 State Highway No. 20, and for an alter-)
 nate route between Marysville and Grass)
 Valley and Nevada City, via Camp Beale,)
 and to coordinate the proposed operation)
 with the existing operations of applicant.)

Application No. 26202

In the Matter of the Application of FRANK)
 E. BAYS, operating as the MARYSVILLE-)
 NEVADA CITY AUTO STAGE CO., to sell, and)
 BEVERLY GIBSON, to purchase an automobile)
 passengers, freight and express line)
 operating between Nevada City and)
 Marysville, California, and intermediate)
 points.)

Application No. 26212

In the Matter of the Investigation on the)
 Commission's Own Motion into the oper-)
 ations and practices of FRANK E. BAYS,)
 doing business as MARYSVILLE-NEVADA CITY)
 AUTO STAGE.)

Case No. 4728

F. G. ATHEARN, DOUGLAS BROOKMAN and LEIGH ATHEARN, for
 Nevada County Narrow Gauge Railroad Company in
 Application No. 26181; protestant in Applications
 Nos. 26193, 26202 and 26212; and interested party
 in Case No. 4728.

MARVIN E. HATTEN, for OSCAR ROSS HATTEN and MARVIN E. HATTEN, applicants in Application No. 26193.

JOHN M. WELSH and REGINALD L. VAUGHAN, for applicants in Applications Nos. 26202 and 26212; for respondent Frank E. Bays in Case No. 4728; and protestant in Applications Nos. 26181 and 26193.

JOSEPH B. SPENCE, doing business as Nevada City-Grass Valley Stage Line, as his interests appear.

NORMAN ROBOTHAM, doing business as Twin Cities Transit, interested party in Applications Nos. 26193 and 26202 and Case No. 4728.

W. P. RICH, for Yuba Consolidated Goldfield; HARRY SEE, for the Brotherhood of Railroad Trainmen; H. F. SOFGE, for Nevada City Chamber of Commerce; VERNON STOLL, for Grass Valley Chamber of Commerce; STUART CHALMERS, for Grass Valley Lions Club; MATT DePAULI, for Grass Valley American Legion; HARRY POOLE, for Executive Board USO; G. T. TENNIS, Superintendent of Schools; ROBERT T. INGRAM, for Transportation Committee of Grass Valley Lions Club; DONALD L. AARONSON, for residents of Hamonton; interested parties.

BY THE COMMISSION:

O P I N I O N

(1)
Nevada County Narrow Gauge Railroad Company, a corporation, in Application No. 26181, as amended; Oscar R. Hatten and Marvin E. Hatten, partners doing business as Hatten Bros., in Application No. 26193; and Gibson Lines, a corporation, in Application No. 26202, have each requested a certificate authorizing the establishment and operation of passenger stage service, in general, between Nevada City and Marysville and intermediate points,

(1) Following the submission of these proceedings, Nevada County Narrow Gauge Railroad Company filed its first supplemental application asserting that its corporate name had been changed to that of Nevada County Company and requested that the new name be substituted for the old name herein. This will be done. For brevity it will be referred to as Nevada Company.

(2)
as more specifically set forth in the margin. All, except Hatten Brothers, propose to serve Camp Beale. Nevada Company and Gibson Lines propose to use State Highway 20 between Nevada City and Marysville via Grass Valley, Browns Valley Junction and Smartsville. Nevada Company also proposes to use the Marysville-Smartsville Road between Marysville and Smartsville Junction serving Hammonton and Camp Beale by diversion therefrom. Gibson Lines, which now operates between Marysville and Camp Beale, proposes to extend operation from Camp Beale over the Marysville-Smartsville Road to its junction with State Highway 20, thence to Nevada City. It also proposes to

(2) Nevada Company, in its application as amended, requests a certificate authorizing the transportation of passengers, baggage and shipments of express weighing not in excess of 100 pounds each, on passenger stages between Nevada City and Marysville and intermediate points, including Camp Beale and Hammonton. One of the routes of operation between Marysville and Grass Valley would be over State Highway 20. Camp Beale and Hammonton would be served by diverting from State Highway 20 a short distance east of a point known as Smartsville. No local service would be provided between Nevada City and Grass Valley or intermediate points. It is requested that the certificate be granted as an extension and enlargement of, and consolidated with applicant's present passenger stage operative rights.

Oscar R. Hatten and Marvin E. Hatten, doing business as Hatten Bros., request a certificate between Marysville and Nevada City and intermediate points via Grass Valley, Rough and Ready, Indian Springs, Smartsville and Hammonton for the transportation of passengers, baggage and shipments of express weighing not to exceed 100 pounds each on passenger vehicles. No local service would be provided between Nevada City and Grass Valley or intermediate points.

Gibson Lines requests a certificate to transport passengers, baggage and shipments of express weighing not in excess of 100 pounds between Marysville, Grass Valley and Nevada City and intermediate points over State Highway 20 via Browns Valley Junction and Smartsville, and between Camp Beale, Grass Valley and Nevada City and intermediate points. The proposed service from Camp Beale would be an extension of its present operation between Marysville and Camp Beale, northerly to connect with the proposed operation over State Highway 20 a short distance east of the village of Smartsville. Hammonton would be served by diversion from this route. No local service would be provided between Grass Valley Graveyard and Nevada City and intermediate points.

serve Hammonton by diversion from the latter route. Hatten Brothers propose to operate over U. S. Highway 99E, Marysville-Smartsville Road and State Highway 20.

In Application No. 26212, Frank E. Bays requests authority to sell, and Beverly Gibson to buy, a passenger stage operative right to transport passengers, baggage and express shipments of 100 pounds or less between Marysville and Nevada City and intermediate points, via Hammonton, Smartsville, Rough and Ready and Grass Valley.

Case No. 4728 is an investigation on the Commission's own motion into the operations of Frank E. Bays, as more particularly set forth in the margin.
(3)

A public hearing on these matters, lasting six days was conducted before Examiner Paul at Grass Valley and Marysville. They were submitted on August 30, 1944, subject to the filing of briefs, the last due December 1, 1944, which have been filed. The record was consolidated for the taking of evidence and decision.

(3) The order is in part as follows:

"(a) Whether or not respondent, without having first obtained the approval of the Commission, has discontinued in whole or in part service rendered under the operative authority acquired by said respondent pursuant to Decision No. 36442, rendered June 22, 1943, for the transportation of passengers and of baggage and shipments of express weighing one hundred pounds or less on passenger carrying vehicles between Nevada City, Grass Valley, Marysville and intermediate points as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act.

"(b) Whether, if said respondent has discontinued transportation, as particularly described in the preceding paragraph, without first having obtained the approval of the Commission, the operative authority acquired pursuant to said Decision No. 36442 should be suspended, revoked, or modified in any respect."

Nevada Company is presently engaged in the transportation of passengers, baggage and express between Auburn and Nevada City and intermediate points via Grass Valley and between Colfax and Nevada City and intermediate points via Grass Valley.

Gibson Lines operates a passenger stage service, in general, between Chico and Marysville, Sacramento, Stockton and San Francisco, as well as between Marysville and Camp Beale. The route used by Gibson Lines between Marysville and Camp Beale is U. S. Highway 99 E and directly connecting roads.

Before discussing the fares, service and evidence of record in regard to the public need for service as proposed by Nevada Company, Gibson Lines, and Hatten Bros, we shall first consider the evidence with respect to the alleged discontinuance of passenger stage operations by Frank E. Bays between Marysville, Hammonton, Grass Valley, Nevada City and intermediate points, respondent in Case No. 4728.

The Commission by Decision No. 36442, dated June 22, 1943, and effective August 3, 1943, authorized respondent to acquire from Mrs. Vinita A. Jones a Plymouth station wagon and a passenger stage operative right between Marysville, Hammonton, Grass Valley, Nevada City and intermediate points.⁽⁴⁾ The total consideration was \$1,750. The arrangement for this transfer was made between Mrs. Jones and respondent in April 1943 at which time respondent took possession of the station wagon and began operations. Respondent retained as driver Forrest O. Hudson who had been similarly employed by Mrs.

(4) This right was a so-called "grandfather" right established by W. R. Conlin who was authorized to sell such right to Edward A. Jones, which was later inherited by his wife, Mrs. Vinita A. Jones.

Jones on a salary basis. The compensation to Hudson by respondent was the free use of the equipment for the transportation of United States mail for which Hudson was acting as a subcontractor under David C. Hall. Hudson followed the route via Hammonton. During August 1943, respondent obtained employment in Southern California. Prior to his departure from Marysville to accept such employment he made an oral arrangement with Hudson to transfer to him the station wagon and operative right. According to the testimony of respondent the purchase price was the payment by Hudson to said respondent of the total amount of money which respondent had "invested in the line" and payment by Hudson to Mrs. Jones of the remainder owed to her by respondent pursuant to the agreement of purchase between Mrs. Jones and respondent. This was to be accomplished by payments of \$100 a month each to respondent and to Mrs. Jones until payment of the entire amount was completed. Pursuant to this arrangement substantial payments were made by Hudson. The money received by Hudson from operation of the line was to be used for this purpose and to meet expenses of operation. It was agreed by Bays and Hudson that upon the completion of these payments a joint application would be filed with the Commission requesting authority for the transfer. However, as will be developed presently, Bays turned over the operation to Hudson and left to obtain employment elsewhere.

In December 1943, by written agreement, Hudson gave to Beverly Gibson an option to purchase Bays' operative right and Plymouth station wagon for \$2,000. At the same time a written agreement was entered into by Forrest O. Hudson as mortgagor, and Beverly Gibson as mortgagee, which agreement purports to be a mortgage of chattels covering one 1940 Plymouth station wagon as collateral security for payment of a promissory note in the amount of \$1,500

Thereupon Beverly Gibson placed a sum of money in the hands of his son Curtis C. Gibson with instructions to call upon Mrs. Jones in company with Hudson and discharge the remainder of the obligation of Frank E. Bays to Mrs. Jones in the amount of \$427.10. This was done and Mrs. Jones executed a receipt therefor to Curtis C. Gibson dated December 29, 1943. At the same time she surrendered to Curtis C. Gibson the pink slip certificate evidencing legal ownership of the Plymouth station wagon. Immediately thereafter Curtis C. Gibson accompanied Hudson to the Central Bank at Marysville where Hudson honored a sight draft in the amount of \$789.79 drawn on him by respondent Bays.

On March 14, 1944, Forrest O. Hudson disappeared. Thereupon, and at the suggestion of Warren Shingle, district agent for Gibson Lines, David C. Hall, who held the contract for the transportation of United States mail, immediately resumed operation between Marysville and Grass Valley, via Hammonton, transporting mail, passengers and property. During the latter part of March 1944, Hall made an arrangement with Marvin E. Hatten, one of the Hatten Brothers, to take over such transportation. Hall sold to the Hattens a Chevrolet panel truck to be used for this purpose. According to the record, such operation was begun by the Hatten Brothers on April 1, 1944, and continued to the date of the submission of these matters. The route used by them from Marysville is over U. S. Highway 99E, southeasterly to a road commonly referred to as the Hammonton Road, or as the Marysville-Smartsville Road, thence over the latter named road to a point a short distance easterly of the village of Smartsville where a connection is made with State Highway 20, thence over the latter highway to Grass Valley. Hammonton, which is about 14 miles easterly of Marysville, and south of the Yuba River, is served by diverting from this road a distance of about two miles.

The Hattens had no arrangements with anyone concerning this operation excepting Hall.

(5)
On or about April 28, 1944, Cyrus Smith, pursuant to an arrangement with Beverly Gibson, began, and has continued the transportation of passengers and express for compensation by passenger stage between Marysville and Grass Valley over State Highway 20, via Browns Valley Junction. Browns Valley Junction is northerly of and on the opposite side of the Yuba River from Hammonton and the latter point is not served by Smith although it is a point on respondent's operative right. According to Smith, the total consideration to be paid to Beverly Gibson for the Plymouth station wagon, heretofore noted, and the "franchise" was \$2,000. Later he stated that the operation he was conducting was entirely under the control of Beverly Gibson, and Smith was to pay to Gibson \$100 a month for the "right to operate". The receipts from the operation were deposited in a bank by Smith in his own name. According to Smith these receipts belong to him and Beverly Gibson but would be turned over to Gibson at any time upon Gibson's request. Smith paid to Beverly Gibson \$100 in each of the months of May, June, July and August 1944.

According to Beverly Gibson the sums of money which he had received from Smith were so received as the agent for Bays, pursuant to a power of attorney executed July 8, 1944, (Exhibit No. 36). He further stated that the money received from Smith prior to the execution of the power of attorney was received pursuant to an arrangement with Forrest O. Hudson. Also, according to Beverly

(5) Cyrus Smith was employed by Gibson Lines as a dispatcher at Marysville on a salaried basis until June 4, 1944.

Gibson, the only thing he was transferring to Smith was the 1940 Plymouth station wagon.

Warren N. Shingle owns, maintains and operates a passenger stage depot and facilities in connection therewith for Gibson Lines at Marysville and is employed by it as district agent. He collects a commission on the sale of Gibson Lines tickets. According to him he was acting as "agent" for respondent Bays. Pursuant thereto, and in the interest of respondent and Beverly Gibson, he arranged with David C. Hall to continue the Bays' operation upon the disappearance of Forrest O. Hudson. He took part in some of the arrangements between Beverly Gibson and Forrest O. Hudson. In June 1944, pursuant to instructions from Beverly Gibson, Shingle negotiated with Bays in Los Angeles and obtained his signature to an application requesting the Commission to authorize Bays to transfer to Beverly Gibson a Plymouth station wagon and the operative right between Marysville and Nevada City. Respondent testified that if any "agency" in Shingle existed it was derived from a telephone conversation between them immediately prior to respondents departure from Marysville.

Respondent said that he did not know that Hudson disappeared on March 14, 1944, until so informed by Warren Shingle about June 16,

(6) This application (No. 26212) was filed with the Commission June 19, 1944. Attached thereto is a Bill of Sale signed by Frank E. Bays transferring such operative right and one Plymouth station wagon to Beverly Gibson.

(7) From the record the conversation was as follows:

"Q. Will you please state what that conversation was?

"A. Well, I thanked Mr. Shingle, stated I was leaving the community and expressed my gratitude for the cooperation and service he had given us at his depot in the past and would appreciate him continuing on as he had, keeping his eye on the operation, seeing that the stage left on time and still passing on the business to us there as he took care of it in the past." (TR 430)

1944, at which time he negotiated the arrangement to transfer the operative right to Beverly Gibson. Prior to this there had been no agreement with Beverly Gibson, and he had no conversation with him until July 5, 1944. Respondent did not know, nor had he had any dealings with Cyrus Smith but understood he was operating the line, or at least was driving the stage. Neither did he know who had hired Smith. Respondent did know where Hudson had obtained the money to honor respondent's sight draft. Respondent believed he was the registered owner of the Plymouth station wagon involved although he was not sure about it. He thought he had sold his stage line and equipment to Hudson. He had not authorized Hudson to sell the operation or Plymouth station wagon.

With respect to respondent, we are concerned with the question of unauthorized discontinuance of passenger stage service by him and, therefore, abandonment of his operative right. Respondent had moved from Marysville about September 1, 1943, and obtained employment remote from his passenger stage business. He had no intention of returning as he had disposed of all of his business interests at Marysville prior to his departure and frankly stated that he thought he had sold his operative right and equipment to Hudson. Having thereafter exercised no control over the operation and having received all, or substantially all the sale price agreed upon, we are convinced that there had been an effectual abandonment of service by Bays long before his purported sale to Gibson about ten months later.

It is now argued by counsel for Beverly Gibson, in support of his request to acquire the Bays' operative right, that the four operators who successively undertook to render service over at least part of the route covered by the Bays' right were operating on behalf

of Bays and under color of his operative right. Therefore, the Commission is asked to view Bays' right as a subsisting right, the transfer of which to Beverly Gibson should now receive our approval. But we are not impressed by the claim that Bays continued to control any of these operations begun after he left for Southern California about September 1, 1943. Bays testified that he thought he had sold both his operative right and his station wagon to Hudson. When Hudson disappeared, the next operator undertaking to conduct the service was importuned to do so by Shingle, the agent for Gibson at Marysville, and it would be a strained conclusion indeed for us to hold that Shingle's above quoted conversation with Bays just prior to his departure for Southern California, constituted lawful authority to procure operators who were to continue the service on Bays' behalf. The last operation, that of Cyrus Smith, seemingly was begun pursuant to an arrangement with Beverly Gibson only, and the testimony shows that theretofore Gibson did not know Bays or ever have any dealings with him. Certainly, Shingle was never authorized to assign his purported agency powers to Beverly Gibson. In fact, the evidence indicates that Bays assumed none of the responsibilities connected with the passenger stage operations thereafter conducted. He had not informed these operators what charges should be made for service pursuant to his tariffs. It cannot then consistently be claimed that he has done all that was legally necessary to keep the operative right alive.

After due consideration of all the evidence of record it is our judgment, and we so find, that respondent Bays without lawful authority discontinued service and abandoned his passenger stage operative right between Marysville and Nevada City and intermediate points. Because of such discontinuance and abandonment such operative right should be revoked and annulled.

Smith has never received any authority to acquire Bays' operative right, nor a certificate authorizing his operation. Such operation is, therefore, unlawful and should be immediately discontinued.

We will now advert to a discussion of the evidence of record in regard to the public need for passenger stage service for which certificates are sought by Nevada Company, Gibson Lines, and Hatten Brothers.

According to its application, as amended, Nevada Company proposes to charge the fares and to initially provide schedules as shown in the margin: Nevada Company would operate three round-trip schedules daily except Sunday and two round-trip schedules on Sunday. Additional schedules would be operated depending upon the traffic demands:

(8)	Between	Nevada City	Grass Valley	Camp Beale	Browns Valley Junction
And					
	Marysville	1.10	.95	.20	.35
	Browns Valley Jct.	.80	.65	.55	-
	Camp Beale	.85	.70	-	-

FREQUENCY		D-S	DAILY	D-S	Sunday Only
MILES	STATIONS	AM	PM	PM	PM
.0	Marysville	LV 8:00	2:00	5:00	11:20
12.0	Browns Valley Jct.	LV 8:30	2:30	5:30	11:50
10.0	Camp Beale	LV 8:25	-	5:25	-
21.0	Smartsville	LV 8:45	2:45	5:45	12:05
36.0	Grass Valley	LV 9:25	3:25	6:25	12:45
40.0	Nevada City	AR 9:40	3:40	6:40	1:00

D-S - Denotes Daily Except Sunday

The one-way and round-trip fares proposed by Gibson Lines are shown in the margin. ⁽⁹⁾ Initially it proposes to operate two round-trips daily except Sunday and one additional round-trip schedule on Saturday. On Sundays only one round-trip would be operated. Additional service would be made available to meet traffic demands.

The Hattens introduced little evidence in support of their proposal. During the latter days of the hearing, including the time of submission, neither of them was in attendance, or represented by counsel. We conclude, therefore, that they withdrew from the proceeding and their application will be dismissed.

More than 30 public witnesses were called by Nevada Company and Gibson Lines. Only eight of these were called by Nevada Company. Most of the public witnesses called by Nevada Company testified as representatives of civic and professional organizations, including the Chamber of Commerce and United Service Organization. Only a few of them stated that they had need for and would use the proposed service. All stated that in their opinion there is a public need for the type of service proposed by Nevada Company. Of the public witnesses called by Gibson Lines, some were city and county officials, or representatives of civic organizations. Most of the witnesses called by Gibson Lines are engaged in business;

(9)

GIBSON LINES
One Way Fares

Between	Marysville	Browns Valley Junction	Hammonton	Camp Beale
Browns Valley Jct.	.35			
Hammonton	.15	.45		
Camp Beale	.25	.55	.15	
Grass Valley	.95	.65	.75	.70
Nevada City	1.10	.80	.90	.85

Round Trip Adult Fares: 180% of the one-way fare

at Grass Valley or Nevada City and stated that they had a need for and would use the proposed service both for their own transportation and for the transportation of shipments of express. A number of witnesses stationed at Camp Beale stated that they have a need for a passenger service between Camp Beale and the Grass Valley-Nevada City area. One witness stated that he formerly managed the post exchange at Camp Beale and part of his duties was in connection with the transportation of soldiers to and from the Camp. It was his opinion that as many as 300 soldiers might desire to travel to Grass Valley and Nevada City over the weekend. Various other estimates were to the general effect that from 250 to 1,250 servicemen might desire to travel to such points.

Some of the witnesses who receive express shipments from Sacramento prefer the proposal of Gibson Lines as but one carrier would be involved. Others complained that the express service of Nevada Company was inadequate. Some complained of such shipments arriving in poor condition and with loss and damage.

The evidence of record conclusively shows that there is a public need for the transportation of passengers, baggage and shipments of express, weighing not to exceed 100 pounds each, between Nevada City, Grass Valley and Marysville and intermediate points via Rough and Ready, Smartsville, Browns Valley Junction and Hammonton, except between Nevada City and Grass Valley. With respect to Camp Beale, the only need, as clearly shown, was for the transportation of passengers between Camp Beale, on the one hand, and Nevada City and Grass Valley and intermediate points, on the other hand.

The remaining question to be determined is to which of the applicants the certificate should be granted. The application of Nevada Company was filed May 26, 1944, and an amendment thereto

On June 19, 1944. That of Gibson Lines was filed on June 9, 1944, and an amendment thereto on August 29, 1944. Nevada Company and Gibson Lines are both operators of long experience. A witness for Gibson Lines stated that it has ample equipment to operate the proposed extended service. The record shows that Nevada Company has four units of passenger stage equipment, three of them in operation and one of them being used as a standby unit. It is also shown that Nevada Company has tentative arrangements for the acquisition of two additional used passenger stage units, one with a seating capacity of 33 passengers, and the other seating 29 passengers. Nevada Company took the position that if it were authorized to conduct the proposed service it could readily obtain sufficient additional equipment to provide the required service. The president of this company testified that it had ample financial resources to establish the service it proposes..

Although the record shows that either applicant would be able to provide a satisfactory service to supply the need shown to exist, upon consideration of the entire record we believe that it would be in the public interest to grant the certificate to Nevada Company. For many years this company has been providing service in the area of Grass Valley, Nevada City, Auburn and Colfax, first by rail and more recently by passenger stage. It is well established and familiar with the service needed by the public in this area which is situated on the Sacramento Valley side of the Sierra Nevada Mountains. As the record shows the need for an additional outlet from this region to the Marysville area, we believe Nevada Company is peculiarly qualified and is entitled to enlarge its operations in accordance with its proposal. However, we believe that Gibson Lines should be protected in its operations between Marysville and Camp Beale. There was no evidence showing a need for added service between the latter points now adequately served by Gibson Lines.

It is our judgment and we so find that public convenience and necessity require the establishment and operation by Nevada County Company of passenger stage service as set forth in the following order, and the denial of Gibson Lines' application.

Nevada County Company is hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate-fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited to the number of rights which may be given.

O R D E R

A public hearing having been held in the above entitled proceedings, which were duly submitted upon briefs since filed; and based upon the conclusions and findings set forth in the opinion preceding this order,

IT IS ORDERED as follows:

(1) That the operative right heretofore acquired by respondent Frank E. Bays, pursuant to the Commission's Decision No. 36442, dated June 22, 1943, in Application No. 25584, is hereby revoked and annulled and all tariffs and time tables on file with the Commission in the name of Frank E. Bays, and in effect, are hereby cancelled.

(2) That a certificate of public convenience and necessity is hereby granted to Nevada County Company, a corporation, for the establishment and operation of service as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, for the transportation of passengers and baggage, and shipments of express weighing not to exceed 100 pounds each on passenger carrying vehicles, between Nevada City, Grass Valley, Camp Beale, Hammonton and Marysville and intermediate points, provided that no local service may be performed between Nevada City and Grass Valley or points intermediate thereto; and further provided that no service may be performed to or from Camp Beale, except for the transportation of passengers between Camp Beale, on the one hand, and Grass Valley and Nevada City and intermediate points, on the other hand. Such certificate is granted as an extension and enlargement of and consolidated with the certificates of public convenience and necessity now held by Nevada County Company, pursuant to the authority of the Commission's Decisions Nos. 25170 and 29475.

(3) That in providing service pursuant to the certificate herein granted, the following service regulations shall be complied with:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days from the effective date hereof.
2. Applicant shall comply with the provisions of General Orders Nos. 79 and 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, appropriate tariffs and time schedules within 60 days from the effective date hereof and on not less than 5 days' notice to the Commission and the public.
3. Subject to the authority of the Commission to change or modify them by further order, applicant shall conduct operations, pursuant to the certificate herein granted, over and along the following routes:

Over and along State Highway 20 between Marysville and Nevada City.

Over and along U.S. Highway 99E and Marysville-Smartsville Road, sometimes known as Hammonton Road, between Marysville and Smartsville Junction, detouring over the public road to Hammonton.

Service to and from Camp Beale shall be operated over the most appropriate roads connecting with the Marysville-Smartsville Road, thence along such road to its junction with State Highway 20 at Smartsville Junction.

(4) That Application No. 26193 of Ross Hatten and Marvin E. Hatten, doing business as Hatten Bros., is hereby dismissed.

(5) That Application No. 26202 of Gibson Lines, a corporation, and joint Application No. 26212 of Frank E. Bays and Beverly Gibson are hereby each denied.

The effective date of this order shall be 20 days from the date hereof.

Dated at San Francisco, California, this 14th day of August, 1945.

Harold Anderson
Justice J. O'Connell
Richard Radabaugh
Francis O'Connell
Ernest Lawrence
 COMMISSIONERS