

Decision No. 39713

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 Vernon Harlow and Clarence Harlow, a  
 co-partnership doing business under  
 the firm name and style of Mission  
 Limousine Service for a voluntary sus-  
 pension of applicants' certificate of  
 authority to operate an automotive  
 stage service for the transportation  
 of passengers and baggage between March  
 Field, on the one hand, and Plantation,  
 Riverside, and San Bernardino, on the  
 other hand, under Decisions Nos. 34198,  
 34256, and 34804.

**ORIGINAL**

Application No. 27892

OPINION AND ORDER

J. E. Muratet, George K. Dawson, and Barney B. Gregory,  
 doing business as Mission Limousine Service, heretofore have been  
 granted a certificate authorizing operation as a passenger stage  
 service between March Field, California, on the one hand, and Plan-  
 tation, Riverside, and San Bernardino, California, on the other  
 hand. (1) Subsequently this right was acquired by Vernon Harlow and  
 Clarence Harlow, applicants herein. (2)

In this application request is made for the suspension of  
 the operative right referred to until October 15, 1947, due to the  
 fact that the officers, managers, and operators of the March Field  
 Post Exchange, who operate a competitive passenger stage service over  
 identical routes as applicants, issued an order on or about July 1,  
 1946, prohibiting applicants' vehicles from entering March Field to  
 load or unload passengers. As a result of this order applicants have  
 for the past several months been unable to carry any passengers to or  
 from March Field. The nearest point they can pick up or discharge

(1) Decisions Nos. 34198 and 34256 dated May 13, 1941, and May 27,  
 1941, respectively in Application No. 24112.

(2) Decision No. 34804 dated December 2, 1941, Application No. 24472.

March Field traffic is approximately one mile from the March Field Camp. With this inferior type of service the traffic is not sufficient to meet operating expenses. Applicants further state that on or about July 1, 1946, they filed action in the Superior Court of the State of California against the March Field Post Exchange and its officers, managers, and operators seeking to restrain said defendants from owning, operating, or managing an automotive passenger service in competition with applicants until defendants have obtained a certificate of public convenience and necessity from the Railroad Commission.

This case has since been transferred to the District Court of the United States in the Southern District of California for trial and a decision is not expected until December, 1947..

Applicants are of the opinion that they have good and valid cause of action against the March Field Post Exchange and are desirous of retaining their operating rights in order that they may again resume the service if and when they secure a favorable decision in the pending Federal Court authorizing them to enter March Field as well as restraining said March Field Post Exchange from further operating such an automotive passenger service until it is authorized to do so by the Railroad Commission.

In view of the circumstances it appears that the application for a suspension until October 15, 1947, should be granted. A public hearing is not necessary.

Good cause appearing,

IT IS ORDERED:

(1) That Vernon Harlow and Clarence Harlow are authorized to suspend their service as a passenger stage corporation between March Field, on the one hand, and Plantation, Riverside, and San Bernardino, on the other hand, referred to in the foregoing opinion, until October 15, 1947..

(2) That applicants shall comply with and observe the following service regulations:

- (a) Applicants shall comply with General Order No. 79 and Part IV of General Order No. 93-A by filing in triplicate, amendments to their present tariffs and time tables reflecting the authority herein granted, within 30 days from the date hereof and upon not less than 5 day's notice to the Commission and the public. The public notice is to be given by posting notices in all equipment employed in this operation.
- (b) Said service may be resumed only upon notice to the Commission of not less than one day prior to the expiration of the period of suspension herein specified or of such extension thereof as may be hereafter granted by further order; and upon compliance with the provisions of General Order No. 79 and Part IV of General Order No. 93-A.

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

Dated at San Francisco, California, this 10<sup>th</sup> day of December, 1946.

Harold J. Fuls  
Justin F. Calmes  
Francis B. ...  
Frank V. Powell  
A. J. ...  
 COMMISSIONERS