

Decision No. 40537

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)  
A. EARL WION, doing business as KIT)  
CARSON STAGE LINE, for authority to)  
suspend operations. )

Application No. 28527

O P I N I O N

A. Earl Wion, the applicant herein, doing business as Kit Carson Stage Line, was granted a certificate of public convenience and necessity authorizing the transportation of passengers, baggage and express between Jackson and Ray's Twin Lakes Resort and intermediate points, with the right to serve a lateral area extending five miles from each side of the highway. (1) In this application he requests authority to suspend such operation to December 31, 1947, alleging as a reason therefor that there is presently no need for the service.

The operative right granted to Wion was exercised by him until approximately June 5, 1942, when he joined the Merchant Marine and appointed one George Sausman as his agent to carry on the service, said appointment to remain in effect until revoked in writing. There has been no revocation of said appointment and Sausman is presumably conducting the operation under the Wion certificate and the authorization of Wion.

Pursuant to Decision No. 40255, rendered on May 6, 1947,

---

(1) Decision No. 34323, dated June 17, 1941, in Application No. 24219.

applicant was authorized to sell and transfer his Jackson-Ray's Twin Lakes Resort right to Robert F. Mullins but Mullins decided not to accept the certificate and gave notice that the transaction would not be consummated.

The reasons for the proposed temporary suspension of the operative right rest upon applicant's belief that there is little demand for the service at present, that the public has become accustomed to other means of transportation, and that the suspension of the right will not inconvenience the public. The service is seasonal and is conducted during the summer vacation period. Apparently applicant is of the opinion that a resumption of the service by him upon his return from employment with the Maritime Commission, would result in greater benefit to the public and the recovery of business which he has lost during his absence.

We are not much impressed with the reasons advanced by applicant for a suspension. However, we make allowance for the fact that Wion cannot terminate his service with the Maritime Commission at will, and that his agent, Sausman, is loathe to continue the operation which, in all probability, is unremunerative under present operating conditions.

In view of these circumstances we believe, and hereby find, that the application to suspend should be granted. However, the order will provide that at the termination of the period of suspension applicant must choose between resumption of the service or a revocation of his operative right.

O R D E R

Application having been made as above entitled, the Commission being duly advised in the premises, and hereby finding that the proposed suspension will not be adverse to the public interest,

IT IS ORDERED that A. Earl Wion is hereby authorized to suspend his passenger stage operation between Jackson and Ray's Twin Lakes Resort and intermediate points until December 31, 1947, subject to the condition that if service is not established and operated for the entire 1948 summer season the operative right created by Decision No. 34323, in Application No. 24219 will be revoked and annulled.

IT IS FURTHER ORDERED that applicant shall file with the Commission, and make effective on not less than one day's notice to the Commission and the public, supplements to his tariffs and time tables, in triplicate, showing the suspension of service as herein authorized.

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

Dated at San Francisco, California, this 22<sup>nd</sup> day of July, 1947.

Harold P. Hule  
Justice J. Cooney  
John A. Powell  
Richard M. ...  
COMMISSIONERS