

Decision No. 40559

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 PAUL DERKUM and CHAS. E. SANSOME for)
 a certificate of public convenience)
 and necessity to operate a passenger) Application No. 14359
 auto stage service and to carry)
 express packages between Santa Maria,)
 Maricopa and intermediate points.)

In the Matter of the Application of)
 CHAS. E. SANSOME to sell and PAUL)
 DERKUM to purchase an automobile)
 passenger and express line operating) Application No. 14857
 between Bakersfield, California, and)
 Santa Maria, California.)

In the Matter of the Application of)
 PAUL DERKUM for an order authorizing)
 a temporary abandonment of service) Application No. 17689
 on the Bakersfield-Santa Maria)
 Division of Derkum Stage Lines.)

PAUL DERKUM, in propria persona.

O P I N I O N .

Pursuant to the authority of Decision No. 20113, dated August 15, 1928 Paul Derkum acquired the sole interest in a passenger stage operative right authorizing the transportation of passengers and express between Santa Maria and Bakersfield and intermediate points via Maricopa, subject to certain local restrictions. The Commission by Decision No. 24102, dated October 5, 1931, authorized Derkum temporarily to suspend said passenger stage operations until further order of the Commission or until such time as said Derkum desired to resume such operations in the absence of an order of the Commission.

By Order dated July 30, 1946, the Commission reopened the above entitled proceedings for the purpose of determining -

(1) Whether or not said Decision No. 24102 in Application No. 17689 should be rescinded, altered or amended; and

(2) Whether or not the operative right held by Paul Derkum pursuant to Decisions Nos. 19626 and 19727 in Application No. 14359 and Decision No. 20113 in Application No. 14857 should be revoked.

A public hearing thereon was had before Examiner Paul at Bakersfield on July 2, 1947 and the matters were submitted on the record.

Paul Derkum, in effect, testified that he suspended operations in October 1931 under the authority of Decision No. 24102; that no operation since that time has been conducted by him because there has not been sufficient public demand to justify resumption of the service; that at different times he has investigated conditions along the certificated route to determine whether developments along the route would justify such resumption; that he made the last investigation in August 1946 and while it appeared that there have been developments along some portions of the route it still would not, in his opinion, warrant re-establishment of the service. He also stated that he plans to make a further investigation during the latter part of July 1947 to determine what steps he desires to take with a view to resumption of the service.

The evidence of record shows that Derkum has provided no service between Santa Maria and Bakersfield and intermediate points under his certificates since suspension thereof in October 1931, nor does the record show any public need therefor. The evidence in this record shows and we hereby find that there is no present

or prospective public need for passenger stage service between these points, and we therefore conclude that the operative rights therefor should be revoked and annulled as provided for in the order hereof. Such action, however, shall be without prejudice to the right of Paul Derkum to file an application for authority to re-establish service between such points whenever, in his opinion, public convenience and necessity so require.

O R D E R

The above entitled matters having been reopened, a public hearing had thereon, and based upon the evidence of record and the foregoing finding,

IT IS ORDERED:

(1) That the operative rights created by Decision No. 19626, as amended by Decision No. 19727 in Application No. 14359, and Decision No. 20113 in Application No. 14357, are hereby revoked and annulled.

(2) That all effective tariffs and time tables on file with the Commission in the name of Paul Derkum, including all tariffs and time tables under suspension, are hereby cancelled.

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

Dated at San Francisco, California, this 22nd day of July, 1947.

Harold P. Hula
Justus F. Coe
John A. Powell
R. F. Driskill

COMMISSIONERS