

ORIGINALDecision No. 48243

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GRACE GRAY ROBOTHAM, as Executrix)
 of the Estate of Norman H. Robotham,)
 Deceased, doing business as TWIN)
 CITIES TRANSIT (substituted for)
 Norman H. Robotham, dba Twin Cities)
 Transit) for an enlargement and)
 extension of his existing right as)
 a common carrier of passengers by)
 auto stage as defined in Section 50½)
 of the Public Utilities Act of the)
 State of California.)

Application No. 31967

OPINION AND ORDER

Gibson Lines, protestant herein, has filed a motion to dismiss the above-entitled and numbered application. The motion is based upon the ground that the certificates of public convenience and necessity granted to Norman H. Robotham by Decision No. 43752, in Applications Nos. 30770 and 30771 and prior decisions of the Commission, authorizing passenger stage operations within and between Marysville and Yuba City, have been transferred, together with other operative property, to Jesse L. Carr (Decision No. 48041, dated December 9, 1952, in Application No. 33835), and that Mrs. Robotham no longer possesses any properties suitable for the operation of the passenger stage service contemplated by the instant application.

Applicant, as executrix of her deceased husband's estate, was granted a certificate, in the place and stead of former operative authority, conferring the right to reroute service within and between Marysville and Yuba City and to extend service from Marysville to Camp Beale, located about 10 miles east of Marysville. (Decision No. 47357, dated June 24, 1952, in the instant proceeding.)

Gibson Lines petitioned for rehearing on July 3, 1952, more than 10 days prior to the effective date of Decision No. 47357. Rehearing was ordered on August 5, 1952, and was set for October 15, 1952. The rehearing was removed from the calendar on October 8, 1952, at applicant's request. Applicant then filed Application No. 33835, requesting authority to transfer the Robotham certificates to Carr. The request, as above stated, was granted by Decision No. 48041.

The order granting rehearing did not, by its terms, suspend Decision No. 47357. No rehearing, however, has been held nor has one been requested by any party of record. Applicant, as a party of record, was served with a copy of the motion to dismiss, but she has made no response thereto. As a result of the transfer to Carr of the operative rights and other operative property of Twin Cities Transit, applicant, so far as appears here, no longer has facilities with which to conduct the passenger stage operations for which her husband originally sought authority, including the extension of such operations between Marysville and Camp Beale.

The motion to dismiss should be granted.

Therefore, good cause appearing, IT IS ORDERED that the motion of Gibson Lines, filed herein on December 22, 1952, for dismissal of the above-entitled and numbered application, be and it hereby is granted and that said application be and it hereby is dismissed.

Dated at San Francisco, California, this 27th day of January, 1953.

Q. J. [Signature]
President
Arthur F. [Signature]
Harold P. [Signature]
[Signature]
[Signature]
Commissioners