

Decision No. 11866

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 A. E. MALLETT and GENE ANTICHI, co-)
 partners, doing business under the)
 fictitious name and style of Sacra-)
 mento-Corning Freight Line, for a)
 certificate of public convenience)
 and necessity to operate an auto-)
 mobile truck line as a transporta-)
 tion company for the carrying of)
 freight between Sacramento and all)
 points Yolo to and including Wil-)
 lows, California, also locally be-)
 tween all points Woodland to and)
 including Willows, California, in)
 conjunction with, as part of and in)
 amplification of the freight service)
 now being rendered by said appli-)
 cants, as co-partners, between)
 Sacramento and Artois, Orland and)
 Corning, California.)

ORIGINAL

Application No. 8583.

Harry A. Encell, by James A. Miller, for Applicants.
 L. N. Bradshaw, for Southern Pacific Company, Protestant.
 G. A. Velsir, for American Railway Express Company, Pro-
 testant.

BY THE COMMISSION:

O P I N I O N

This application was originally set for hearing before Examiner Eddy at Sacramento on February 7, 1923. When the case was called counsel for applicants stated that those whom they desired to call as witnesses lived at points between Woodland and Willows, and, in order that those witnesses might be secured, asked that the hearing be had at Willows. The Southern Pacific Company and the American Railway Express Company, protestants, objected to this on the ground that their witnesses were present and they were then prepared to proceed. The testimony of the witnesses present was taken at that time, and later the case was set for further hearing, before Examiner Eddy at Willows on

March 16th.

On July 25, 1922, the applicants herein sought a certificate of public convenience and necessity to operate an automobile truck line as a common carrier of freight between Sacramento and Corning, serving intermediate points. In our Decision No. 11071 of October 7, 1922, it was stated that no necessity had been shown for the proposed service to Willows and points south thereof, but a certificate was granted permitting the applicants to operate between Sacramento, Artois, Orland and Corning. The three points last named are respectively seven, fifteen and twenty-eight miles north of Willows. By the application now under consideration the applicants seek our authority to serve the intermediate points along their route, Woodland to Willows, inclusive, the right to serve which points was denied by our Decision No. 11071.

Six witnesses testified in behalf of the applicants: three of them live at Willows and one each at Woodland, Arbuckle and Chico. Four were manufacturers of or dealers in ice-cream and soft drinks; two were dealers in poultry and poultry feed. The testimony of one witness was to the effect that there is less breakage when soft drinks are shipped by truck than when shipped by freight. The testimony of the ice-cream manufacturers was to the general effect that ice-cream does not stand transfer well, and the consignees of this commodity testified that the truck service would be more convenient because the shipments would be delivered at their places of business instead of at the freight depots. One of the dealers in poultry and feed, when asked respecting the proposed service, said, "I cannot see that it affects me a great deal."

It is unnecessary to go into the testimony submitted by the Southern Pacific Company and the American Railway Express Company at the Sacramento and Willows hearings. It will suffice to say that several witnesses testified that the present service of

these two companies is satisfactory. The Southern Pacific Company, within the next ten days, will inaugurate a new freight service to Willows, making it possible for merchants at that point to receive by noon of any given day freight delivered to that company at Sacramento prior to 4:30 p.m. of the preceding day.

The applicants have failed to make any showing of public convenience and necessity for the proposed service, and the application will therefore be denied.

O R D E R

A public hearing having been held in the above entitled matter and the Commission being fully apprised of the facts, and the matter now being ready for decision,

IT IS HEREBY ORDERED that the above entitled application be and the same is hereby denied.

Dated at San Francisco, California, this 30th day of March, 1923.

W. H. Brown
H. P. Brundage
Dwight Martin
Commissioners.