Decision No. 12179

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of J. D. WEAST for certificate of public convenience and necessity to operate passenger, express and freight service between Burney, Shasta County, and the construction camp of the Mt. Shasta Power Corporation at Cayton, Shasta County, and intermediate points.	Application No. 8776.

W. D. Tillotson, for applicant.
C. W. Leininger, of Chenoweth & Leininger, for S. S. Summers & Son, protestants.

BY THE COMMISSION:

OPINION ON REHEARING

In the above named proceeding J. D. Weast was granted a rehearing upon his amended application in which he petitions the Railroad Commission for order declaring that public convenience and necessity require the operation by him of an automobile service as a common carrier of passengers, express and freight between the town of Burney, Shasta County, California, and the construction camp of the Mt. Shasta Power Corporation on the Pit River at Cayton, California, said camp being known as Pit 3.

A public hearing on this amended application was conducted before Examiner Satterwhite at Redding on April 13, 1923. The matter was submitted and is now ready for decision.

Applicant proposes to charge rates and to operate under a time schedule in accordance with Exhibits "A" and "B" attached to the application, using as equipment that which is described in amended schedule "C".

S. S. Summers & Son protested the granting of said application.

J. D. Weast for several years last past has been operating an authorized automotive passenger, express and freight service between Redding and Bieber, serving as intermediate points Burney, Cassell, Fall River Mills, McArthur, Ingot, Round Mountain and Pitville. Applicant has also been carrying the United States mails over this territory under a contract with the Government of the United States which expires July 1, 1926.

The evidence of applicant shows that the Mt. Shasta Power Corporation has maintained construction camps at Cassell and at Fall River Mills, which points are on the route of the applicant's stage line. The applicant has carried all the passenger, express and freight traffic which has moved between Redding and those construction camps and it appears that this traffic has amounted to about 50% of all traffic moving over his entire route.

The Mt. Shasta Power Corporation is now establishing a new construction camp on the Pit River at or near Cayton to be known as Pit 3, and their other camps at Cassell and at Pit No. 1 are to be abandoned or closed, as construction work is completed at those points. About 1500 men will be employed at Pit 3, near Cayton, and the record shows that the average daily freight which will move from Redding to this new construction camp will be about 2½ tons during the summer and fall period when construction work is most active.

Applicant also offered evidence to the effect that S.S. Summers & Son would not be in a position to give adequate or satisfactory service in the handling of the traffic that will now move between Burney and this new construction camp at Cayton for the reason that unless applicant is granted the authority herein sought to operate a through service between Redding and Cayton a transfer of passengers and freight will be required at Burney

to the line of S. S. Summers & Son which will cause great inconvenience and long delays. Applicant also offered evidence to the effect that the protestant has not sufficient equipment to handle the increased traffic that will soon move between Burney and the construction camp near Cayton.

S. S. Summers & Son operate an authorized passenger, express and freight service between Burney and Cayton and are under contract with the United States Government to carry the mail over this route. The traffic that has heretofore moved between Burney and Cayton has been small, consisting in the main of the mail and parcel post and the few passengers who have occasion to travel between these points. The protestant offered evidence showing that he was in a position to take care of the increased traffic which will now move by reason of the new construction camp of the Mt. Shasta Power Corporation and it appears he has already expended a considerable sum of money in the purchase of more and sufficient equipment, and has also made definite arrangements to lease further equipment if necessary. The record shows that an average of about 40 or 50 passengers will travel daily between Burney and the new construction camp. It also appears that it will require about an average of 15 or 20 minutes to transfer passengers and freight at Burney from the line of applicant to that of the protestant. The record further shows that there is not sufficient traffic to warrant two stage lines between Burney and Cayton.

This Commission has repeatedly held that an applicant must make a clear and affirmative showing that the service rendered by an existing carrier is not sufficient or that the facilities offered by an existing carrier are not adequate to care for the demands of traffic before another line will be authorized; and after a careful consideration of all the evidence in this pro-

ceeding we hereby find as a fact that no showing has been made by applicant to justify the authorization of another carrier between Burney and Cayton and intermediate points and the application must be denied.

O R D E R

A public hearing having been held in the above entitled application, the matter having been submitted and being now ready for decision,

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

Dated at San Francisco, California, this 5th day of June, 1923.

C. L. Seavey

H. R. Bonnidge

Irving Martin

Commissioners.