

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
H. J. SEARS for certificate of public )  
convenience and necessity to operate ) Application No. 8960  
Special Delivery Service between Los )  
Angeles and Ontario, California. )

H. J. Sears, Applicant in propria persona.

Kidd and Hardy by H. W. Kidd for Keystone  
Express and Motor Transit Company, Protestants.

T. A. Woods for American Railway Express, Protestant.

BY THE COMMISSION:

O P I N I O N

H. J. Sears has made application to the Railroad Commission for a certificate of public convenience and necessity to operate special delivery between Los Angeles and Ontario and intermediate points.

A public hearing was held by Examiner Williams at Los Angeles.

Applicant appeared alone and his testimony indicated that he expected to use vehicles now used by him in private automobile brokerage business (and others if necessary) for the transportation of commodities of a general character not over 15 pounds in weight, particularly automobile accessories and parts. He proposed to operate eastwardly by way of the Valley Boulevard to Ontario returning by way of the Foothill Boulevard. Beyond his own testimony as to the probable success of such a venture, applicant produced no witnesses to show the necessity for the establishment of such a service. This Com-

mission has pointed out in a number of decisions that the desire of an applicant, even when coupled with a properly reasonable or practical operation is insufficient to justify the granting of a certificate without substantial testimony that there is need therefor. In the present instance protestants were able to show abundant service already dedicated to the use of the public and apparently more expeditious than that offered by applicant and certainly at rates more to public advantage. For these reasons it is apparent that applicant has not sustained the burden of proof imposed on him and the application should be denied.

O R D E R

H. J. Sears having made application to the Railroad Commission for a certificate of public convenience and necessity to operate special delivery service between Los Angeles and Ontario, a public hearing having been held and the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity do not require the service proposed by applicant and that the application be and the same hereby is denied.

Dated at San Francisco, California, this 13<sup>th</sup> day of January, 1923.

C. Sawyer  
H. B. ...

J. T. Whittier  
Commissioners.