

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
DUANE D. STAFFORD and PERCIE C.
THACKER for certificate of public
convenience and necessity to operate
auto freight truck service between
Westmoreland and Brawley, Calexico,
Imperial, El Centro, Heber and Cali-
patria.

Application No. 8895

P. C. Thacker for Applicants.

Tom Elliott for American Railway Express,
Protestant.

Mary L. McCarthy for Ware Truck Line,
Protestant.

BY THE COMMISSION:

O P I N I O N

D. D. Stafford and P. C. Thacker, operating under the
fictitious name of the Pioneer Truck and Transfer Company,
have applied to the Railroad Commission for a certificate of
public convenience and necessity to operate auto freight truck
service between Westmoreland and Brawley, Calexico, Imperial,
El Centro, Heber and Calipatria.

A public hearing was held by Examiner Williams at El
Centro.

Applicants under proper authority of this Commission now
furnish freight service to and between all the points named ex-
cept to Westmoreland. A daily freight service, under the name
of the Ware Truck line, owned by F.P. McCarthy is operating un-
der proper authority between Westmoreland and Brawley. There are,
therefore, facilities of two carriers available for shipments

between El Centro and Westmoreland, the main points involved, by transfer at Brawley.

Applicants testimony was in support of direct, continuous freight transportation, between El Centro and Westmoreland. J. C. Wood, Manager of the Channel Commercial Company, Ralph Reynolds, Manager of Bernard, Shireson & Company, J. P. Haddock, Manager of the Delta Commercial Company, J. E. Nichols, local Manager for Rivers Brother's Company of Los Angeles and W. A. Tondra, Proprietor of the Valley Auto Supply Company each testified that a direct service to Westmoreland is needed by their businesses. It was explained by these witnesses that El Centro is a distributing center and that expeditious continuous delivery, such as applicant gives to the other points involved, at least twice weekly is necessary from the distributing base. As the testimony did not show any need of service between or to points other than El Centro and Westmoreland, all other points named in the application may be dismissed from further consideration. The proof as to need of service between the two points named is sufficient to justify granting the application as to all freight originating at either terminus, only. Such service, upon a schedule of two round trips a week, and at rates shown in Exhibit "A" attached to the application, should be independent of applicants other operations, and no part thereof, in order to meet the particular needs shown by the witnesses. This schedule seems ample to handle the volume of 6 to 8 tons weekly now available.

Protest was made by F. P. McCarthy against the application on the ground that he has been efficiently conducting a weekly service from Westmoreland to El Centro and return to Westmoreland. This operation was wholly unauthorized as McCarthy, the successor of Chas. A. Ware, has only a certificate to operate between Westmoreland and Brawley. He further protested that it would impair this certificate right if the application is granted. Protestant is not in a

position to exact the same consideration he might have expected had he not exceeded his legal authority in extending his service between Brawley and El Centro, for which service applicant has a certificate and is giving adequate service.

Protestant American Railway Express made no showing against the application.

O R D E R

D. D. Stafford and P. C. Thacker having made application to the Railroad Commission for a certificate of public convenience and necessity to operate auto freight truck service between Westmoreland and Brawley, Calexico, Imperial, El Centro, Heber and Calipatria, a public hearing having been held, 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 require the operation of said service as proposed between the termini El Centro and Westmoreland only and between no other termini or intermediate points over and along the following route:-

via State Highway from El Centro to
Westmoreland and vice versa,

and that a certificate of public convenience and necessity therefore be and the same hereby is granted upon the following conditions:-

1. - That applicants, D. D. Stafford and P. C. Thacker, shall file within fifteen (15) days from date hereof a written stipulation accepting the certificate herein granted, and shall file within thirty (30) days from date hereof, duplicate tariff of rates and time schedules, in accordance with General Order No. 51 of the Railroad Commission and that service shall begin within sixty (60) days after date hereof.

- ii. - That applicants, D. D. Stafford and P. C. Thacker shall not sell, lease assign, or discontinue the service herein authorized, unless such sale, lease, assignment, or discontinuance shall have been authorized by the Railroad Commission.
- iii. - That no vehicles shall be operated by applicants unless such vehicles are owned by said applicants, or are leased under an agreement satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 23rd
day of June, 1923.

C. Shaully

H. B. ...

Irving ...

Commissioners.