

Decision No. 11225

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of
C. E. KIMBROUGH, for a certificate
of public convenience and necessity
to operate an automobile truck and
light express service as a common
carrier of motion picture films and
magazines between Los Angeles, Cali-
fornia, and Riverside, California,
and intermediate points herein set
forth.

Application No. 9020

Warren E. Libby for Applicant.
Kidd and Hardy by Rex Hardy for
Motor Transit Company and
Keystone Express, Protestants.
L. T. Fletcher for Service Motor
Express, Protestant.

BY THE COMMISSION:

O P I N I O N

C. E. Kimbrough has made application to the Railroad Commission for a certificate of public convenience and necessity to operate an automobile truck and light express service as a common carrier of motion picture films and magazines between Los Angeles, California, and Riverside, California, and intermediate points herein set forth.

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

Applicant proposes a special delivery service for the convenience of moving picture film distributing agencies of Los Angeles and moving picture theatres of El Monte, Covina, Pomona, Chino, Ontario, Uplands, San Bernardino, Redlands, Colton and Riverside. He proposes to call daily at the theatres

in these places, receive their directions for films, to collect the same from the distributing agencies in Los Angeles and transport them to the picture houses the whole service being to insure daily contact with the distributors and early delivery at the play houses.

Applicant also proposed to distribute magazines by the same vehicles used in the film service but as no proof was introduced concerning this feature applicant withdrew this portion of the application before the hearing ended.

Applicant proposes to purchase a suitable delivery vehicle to be used in the service and offered to arrange any change of schedule that experience might prove necessary to further meet the needs of the industry intended to be served. Applicant showed by the testimony of W. A. Pfunder, a motion picture show manager at Colton and by Anthony Fielding, owner of the Colonial Theatre at Uplands that the service proposed would be of great value to the theatre managers in that it would secure them a direct daily delivery, special in its nature, of reels necessary to their exhibits. Their testimony was reinforced by a petition signed by nine other moving picture owners in which they asserted that they had read the applicant's application and that the service proposed was one much needed by each individually. Applicant himself testified that sixteen houses had agreed to use his service and that he expected an income of from \$550.00 to \$600.00 a month.

Protestants' offered the existing service now provided as sufficient for the daily delivery of the commodities which applicant seeks to transport. Protestant Keystone Express serves all of the cities named between Ontario and Los Angeles with an express car leaving at noon each day but not on Sundays. It maintains a pick-up service in Los Angeles and delivery at its

stations in various places. A similar service is maintained by the Service Motor Express between Los Angeles and Riverside. Both protestants admitted that they had not received within the last year any film transportation.

Protestant Motor Transit Company operates passenger and express cars to all of the points named by applicant. Its service from Los Angeles is hourly on passenger busses but no pick-up in Los Angeles is maintained. A witness cross-examined by this protestant as to its service was Mr. Fielding, a witness produced by applicant. Mr. Fielding testified that the Motor Transit Company delivered films at his theatre at 4 o'clock and returned them to Los Angeles at the same hour each afternoon but he further testified that this delivery was inefficient for the reason that frequently drivers of the passenger vehicles forgot to deliver the films and it was necessary for him to pursue the vehicles in his own automobile to obtain a delivery. On one occasion return films were missing for several days and were accidentally discovered in one of the vehicles which passed through Uplands. The witness testified that such inefficiency had occurred about twenty five times during the last year. He further testified that the play houses in the smaller cities are dependent upon accurate delivery and that the service proposed by the applicant, if carried out, would mean the ending of a whole lot of "grief" for the owners of picture houses. He said failure on the part of Motor Transit Company to deliver a reel had required the abandonment of the matinee and that several times when deliveries were not made he had been required to borrow films from other near by play houses. None of the protestants maintain any special service for the benefit of these play houses, although it was in testimony that the Triangle Orange County Express maintains a special service of this sort for Orange County points with much success.

An exhibit filed by protestant Motor Transit Company shows that its revenues from film transportation to the points involved aggregated \$189.05 in the first three months of 1923. The traffic east of Uplands was negligible. The average of films in either direction was less than three each day.

The testimony presented by applicant and by protestants leads to the conclusion that the service of applicant, if established would be serviceable to both distributors and exhibitors in that it would expedite the collection, delivery and return of films and insure greater certainty in their transmission and that the service is necessary to attain such a proper condition. Its establishment also means that the exhibitors will not be required to pay monthly fees to agents in Los Angeles whose sole duty is to collect the films and deliver them to other carriers. While no protest was received from the American Railway Express the testimony showed that it handles a preponderance of the shipments at this time. It is our conclusion that under the showing made a necessity does exist for the service proposed as regards the transportation of films and that the application should be granted.

O R D E R

C. E. Kimbrough having made application to the Railroad Commission for a certificate of public convenience and necessity to operate an automobile truck and light express service as a common carrier of motion picture films and magazines between Los Angeles and Riverside over and along the following route:-

via North Main Street from the City of Los Angeles to the El Monte Road to its junction with the Covina Road; thence over the Covina Road to the Lordsbury Road to Pomona; thence over Geary Avenue to Chino Avenue; thence over Central Avenue

to Holt Avenue; thence over Holt Avenue to Euclid Avenue; thence over Euclid Avenue to Foothill Boulevard; thence over Foothill Boulevard to San Bernardino; thence over Mission Boulevard to Redlands; thence over Covina Avenue to Colton and over Colton Avenue to Riverside and returning by the same identical route.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by C. E. Kimbrough of an automobile truck and light express service as a common carrier of motion picture films and advertising matter incidental to the use of such films between Los Angeles and Riverside and intermediate points as comprized on the route hereinabove mentioned, and that a certificate of public convenience and necessity be and the same hereby is granted on the following conditions:

- 1.- That applicant, C. E. Kimbrough, 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.
- 2.- That applicant, C. E. Kimbrough, 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.
- 3.- That no vehicle shall be operated by applicant unless such vehicles are owned by said applicant, or are leased under an agreement satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 28th
day of June, 1923.

C. E. Kimbrough

Livingston
Spencer

Commissioners