

Decision No. 12596

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of)
EDWARD E. CURREY, for certificate of)
public convenience and necessity to)
operate an express and passenger)
stage service between the towns of) Application No. 8991.
Lemon Cove and Visalia in Tulare)
County, and intermediate points.)

BY THE COMMISSION:

O R D E R

Edward E. Curry has made application to the Railroad Commission in which he petitions for a certificate of public convenience and necessity authorizing the operation of an automobile stage line as a common carrier of passengers and express between Lemon Cove and Visalia and intermediate points in California.

Applicant proposes to operate one standard make touring car in such service, making two round trips each day, including Sunday, between the termini mentioned above and charging rates as more fully set out in Exhibit "A" attached to the application herein.

On July 25, 1923 the Railroad Commission issued its Decision 12394 in Application No. 8937, being an application of the Sequoia National Park Stage Company for a certificate authorizing the operation of passenger and express service between the same termini as that proposed to be served by applicant herein. This matter was set for hearing and was protested by the Visalia Electric Railway Company, certain

communities and Chambers of Commerce. The evidence submitted in said proceedings tended to show that sometime prior thereto the same company was denied a certificate to operate between Visalia and Lemon Cove, due to the fact that there was no public necessity for such service, passenger and express traffic being adequately handled by the Visalia Electric Railway. In the hearing on application last above mentioned the same applicant again failed to show that there was any public necessity for the establishment of passenger and express service between the termini mentioned, which was the same as that proposed to be served by applicant herein. Quoting from said decision the Commission states:

"The testimony of this protestant rail carrier shows that its passenger traffic, due to the advent of the automobile, has steadily decreased, and they offered in evidence exhibits showing that there is now a deficiency of many thousands of dollars in its receipts from passenger service. The record shows, moreover, that in spite of the fact that it has operated at a loss, it has always maintained a satisfactory and adequate service, that its cars and equipment are ample and modern."***"

In view of the above, we are of the opinion that this is a matter in which a public hearing is not necessary and that the application should be denied.

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

Dated at San Francisco, California, this 13th day of September, 1923.

W. B. Cheney
W. B. Cheney
James Martin
Edwin Shore
J. T. Whittier
Commissioners.