

Decision No. 12972.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
NEVADA-CALIFORNIA TRANSPORTATION
COMPANY for certificate of public
convenience and necessity to oper-
ate freight and baggage line ser-
vice between Reno, Nevada, and
Westwood, California, (this por-
tion between State Line and
Westwood.)

ORIGINAL

Application No. 8111.

W. M. Kearney of Reno, Nevada, for applicant,
J. E. Pardee, for E. D. Lavine, successor in
interest to Smith & Ramsey,
L. N. Bradshaw, for Southern Pacific Company,
E. Stern, for American Railway Express Company.

BY THE COMMISSION:

O P I N I O N

G. A. Scott and S. C. Cassidy, doing business under the name of Nevada-California Transportation Company have petitioned the Railroad Commission, in accordance with their amended application for a certificate of public convenience and necessity, authorizing the operation of an automotive freight line, as a common carrier of freight between Westwood, California and Reno, Nevada, serving Susanville and Doyle and intermediate points.

Applicants propose to charge rates and operate on a time schedule in accordance with amended Exhibits "A" and "B" attached to said application, using as equipment certain auto trucks des-

cribed in amended Exhibit "C", attached to said application.

A public hearing on said application was conducted before Examiner Satterwhite at Susanville; the matter was submitted and is now ready for decision.

The Southern Pacific Company, American Railway Express Company, and E. D. Lavine appeared in opposition to the granting of said application.

Said protestant, E. D. Lavine, who operates under the authority of this Commission, a freight and express service between Susanville and Doyle, announced during the hearing of said application that he had completed negotiations with said applicants for the sale to them of this freight line between Susanville and Doyle and that an application would be made at an early date to this Commission for authority to make said sale and transfer. Since the submission of this matter, the Commission in Decision No. 11688, Application No. 8653 has authorized the transfer of said freight operative rights of said E. D. Lavine to the applicants in this proceeding. E. D. Lavine withdrew as a protestant during the course of these proceedings.

This Commission has no jurisdiction beyond the State Line of California and can only give consideration to the public necessity and convenience of the proposed freight service between Westwood and Doyle, which latter point is situated close to the State Line.

Said applicants are now operating the authorized freight service between Susanville and Doyle, which they purchased from said E. D. Lavine, and it will only be necessary in this proceeding to give consideration to the evidence which was presented in support of that part of the proposed service, from Westwood to Doyle and intermediate points.

Applicants called several witnesses, consisting of merchants

and business men at Susanville and Doyle and other points, including several farmers who own ranches in Honey Lake Valley, through which this proposed freight service will pass. At the present time there is no auto freight service between Westwood and Susanville.

Evidence, both oral and documentary, shows that the merchants and business men at Susanville have many customers at Westwood and frequently have occasion to make many shipments to this community. All the farmers in Honey Lake Valley, consisting of at least a dozen, have endorsed this proposed service to Westwood for the reason that it will afford them a market for the various things which are grown or produced upon their farms. It was shown that there are fruit orchards upon these ranches in Honey Lake Valley, which have lain dormant and not been cultivated for the lack of a regular freight line to carry fruit and produce to Westwood and Susanville in the past. It appears that these farmers raise hogs and poultry and produce hay and grain and if this proposed freight service is established, a market would be afforded to them, not only at Westwood and Susanville, but also at Doyle and Reno, Nevada.

The Red River Lumber Company have also endorsed this proposed service for the reason that they have occasion to make many shipments from Westwood to Sulphur and that these shipments will continue to be made in increased quantities to the Town of Sulphur, where are located extensive sulphur mines. This proposed service will afford more rapid and direct transportation facilities by way of Doyle, where trans-shipments can be made direct to the Western Pacific Railroad. This lumber company also, it appears, make local shipments along the proposed route between Westwood and Doyle. Applicants also offered evidence to the effect that there are many shipments

of meat and other supplies made from time to time from San Francisco and Sacramento to Westwood and that this proposed freight service will afford also a quicker and more direct route to Westwood.

The Southern Pacific Company and the American Railway Express Company offered in evidence their respective rate and time schedules between Westwood, Susanville and Reno, and also called several merchants who testified to the satisfactory service of these carriers between Susanville, Reno and San Francisco. The rail line of these protestant rail carriers, of course, does not pass through Honey Lake Valley and cannot and does not handle any freight which is desired to be shipped in either direction from and to all points between Doyle and Susanville to Westwood.

After a careful consideration of all the evidence in this proceeding, we are of the opinion that the application should be granted, not as a separate certificate, but as an extension to the present authorized freight operative rights of applicants between Susanville and Doyle and that applicants should be allowed to combine said service between Westwood and Susanville with their present existing service between Susanville and Doyle, in order that through transportation facilities may be afforded.

O R D E R

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

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by G. A. Scott and S. C. Cassidy, doing business under the firm name of Nevada-Calif-

forma Transportation Company of an automobile freight line, as a common carrier of freight between Susanville and Westwood, together with the authority to link up and combine said freight service between Susanville and Westwood with the freight service of said applicants now operated between Doyle and Susanville.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same hereby is granted, subject to the following conditions:

1. Applicants shall file their written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof; shall file, in duplicate tariff of rates and time schedules identical with those filed as Exhibits "A" and "B" attached to the application herein within a period of not to exceed twenty (20) days from date hereof; and shall commence operation of the service herein authorized within a period of not to exceed thirty (30) days from date hereof.
2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
3. No vehicle may be operated by applicants herein unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 31st day of December, 1923.

Clancy

Dwight Martin
Ernest Shore

Commissioners