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Decision No. 13809

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
VALLEY TRANSPORTATION COMPANY for)
certificate of public convenience :Application No. 9959
and necessity to operate freight and)
express service between San Francisco-)
Oakland and Los Banos-Turlock.

Ray D. Johnson, for Applicant.

L. N. Bradshaw for Southern Pacific Company,
Protestant.

M. G. Lickteig and Edw. Stern for American
Railway Express Co. Protestant.

W. J. Quinn, Proprietor "The White Lines", Pro-
testant.

BY THE COMMISSION,

O P I N I O N

A. Wainright, proposing to operate under the fictitious name and style of Valley Transportation Company, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile truck line for the carriage of milk and cream originating at Los Banos, Gustine and Newman to San Francisco, and for the carriage of all classes of freight and express between Oakland and Turlock serving the intermediate points at Dublin, Pleasanton, Livermore, Tracy, Manteca, Ripon, Salida, Modesto, Ceres and Keyes.

A public hearing on this application was conducted by Examiner Handford at San Francisco on July 14, 1924, the matter was duly submitted and is now ready for decision.

By this application and amendments allowed at the hearing it is proposed to establish service for the transportation of milk and cream from the communities of Los Banos, Gustine and Newman to San Francisco the route to be followed passing through Tracy, Livermore, Mission San Jose, Milpitas and Sunnyvale. One round trip daily (except Sundays and holidays) is the service proposed and at the rates as set forth in Exhibit "A" as filed with the application. Applicant also proposes to establish a freight and express motor truck service between Oakland and the communities of Dublin, Pleasanton, Livermore, Tracy, Manteca, Ripon, Salida, Modesto, Ceres, Keyes and Turlock but such proposed service does not include intermediate transportation between local points on the route but that all shipments shall originate or be destined to the Oakland terminus. The service proposed is one round trip daily, except Sundays and holidays, and at rates in accordance with the schedule and classification as filed as Exhibit "A" with the application herein and in accordance with amendments allowed at the public hearing.

Witnesses for applicant testified as to the manner in which the proposed service would be conducted in the event that certificate would be authorized; as to the pick-up and delivery limits within the cities of San Francisco and Oakland; as to the equipment that would be used in the proposed service; and as to the investigation that had been made for the need of the proposed service in the districts covered by the application. No witnesses were offered, either shippers or receivers of freight or express, in support of the alleged public convenience and necessity either as to the necessity for the additional service proposed or as to the inadequacy of the existing service, rates

or schedules of the present authorized carriers.

The granting of the desired certificate is protested by Southern Pacific Company, American Railway Express Company, and W. J. Quinn, Proprietor of "The White Lines" an authorized motor carrier between Stockton and Turlock, connecting at Stockton with river steamers to San Francisco and Oakland.

Witnesses for protestant, Southern Pacific Company, testified and presented exhibits showing service and rates in comparison with the service and rates herein proposed by applicant. No complaints as to service have been made to the Company as regards shipments in the territory proposed to be served by applicant.

Mr. M. G. Lickteig, General Agent of American Railway Express Company at Oakland, testified as to the service and schedules of his company as in effect in the district proposed to be served by the applicant and that no complaints against such service had been made for sometime. Exhibits were also presented showing comparison of the rates of this protestant with the rates as proposed by the applicant.

Mr. W. J. Quinn, proprietor of the "White Lines" testified as to the service and rates as offered by his motor truck line between Turlock and Stockton, such line handling through shipments originating at or destined to Oakland and San Francisco in connection with the steamers of the California Navigation & Improvement Company. The rates and service as given by these carriers was described by this witness.

We have carefully considered all the evidence in this proceeding including the exhibits filed at the hearing. There appears no complaint against the service or rates of the existing authorized carriers nor any evidence that the public convenience and necessity require additional service in the

territory proposed to be served by applicant, nor that any additional traffic would be developed by the authorization of applicant's proposed service. As the Commission has heretofore frequently stated in its decisions on applications for certificates of public convenience and necessity it is incumbent upon an applicant to make an affirmative showing by competent evidence that public convenience and necessity require the establishment of a proposed line or that the existing service, schedules, rates and practices of existing authorized carriers are the subject of complaint or dissatisfaction on the part of the shippers or receivers of freight and express. In this proceeding there is no evidence before the Commission as to any complaint or desire on the part of the public for the service for which a certificate is sought and the desire of an applicant to establish service as a freight or express carrier is not evidence justifying the Commission in the granting of the requested certificate.

In the absence of an affirmative showing that public convenience and necessity require the establishment of the proposed service the application must be denied.

O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission being now fully advised,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by A. Wainright, proposing to operate under the fictitious name and style of Valley Transportation Company, of an automobile freight and ex-

