

Decision No. 15478

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
FRILEY & LINVILLE for a certificate
of public convenience and necessity
to operate a freight service between
Alturas and Ft. Bidwell, via Cedar-
ville, and Lake City, California.

Application No. 11061.

C. S. Baldwin, for Applicant;

J. E. Mahan, for Nevada-California-Oregon Railway;
Douglas Duggan, for Surprise Valley-Geleach Trans-
port Company, Protestant;

W. N. Harris, in propria persona, Protestant.

BY THE COMMISSION:

O P I N I O N

William Frailey and V. C. Linville, co-partners doing business under the name of Frailey & Linville, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile truck line as a common carrier of freight between Alturas and Fort Bidwell serving Cedarville and Lake City and intermediate points.

A public hearing on this application was conducted before Examiner Satterwhite at Alturas, the matter was submitted and is now ready for decision.

Applicant proposes to charge rates, in accordance with

a schedule forming a part of the application herein, and to operate on a schedule of two round trips per week between April 1st and December 1st of each year, and to use as equipment one 1-1/2 ton Graham truck.

Mr. W. N. Harris, the Nevada-California-Oregon Railway and the Surprise Valley-Grilach Transport Company protested the granting of said application.

Applicants now operate an authorized freight and passenger service between Alturas and Cedarville and the service now proposed in this proceeding will be an extension of said existing service.

Applicants propose to operate two trips weekly on Mondays and Thursdays during the period between April 1st and December 1st of each year when the roads are open and passable to traffic.

Several of the leading merchants, business men and shippers of Fort Bidwell and Alturas testified as to the necessity of this proposed freight service.

The evidence of applicants shows that Alturas is the chief buying and distributing center for Fort Bidwell, Lake City, Cedarville and other points in the Surprise Valley, an extensive agricultural territory in Modoc county. It appears that the merchants and shippers at Fort Bidwell and vicinity buy in large quantities at Alturas and also make consolidated carload shipments to Alturas and from this point make large direct distribution shipments by truck into the Surprise Valley.

This direct and through service, it was shown, avoids delays, losses from extra handling and larger cost in the unloading and reloading at Willow Ranch, the rail station from

which the protestant, W. N. Harris, operates an auto truck freight line to Fort Bidwell. Considerable testimony was offered by applicants to the effect that the service of W. N. Harris is inadequate and unsatisfactory, not only on the basis that it involves both a rail and truck haul from Alturas, but that his limited equipment is insufficient and often in bad condition. It was further shown that the back haul from Surprise Valley consists of large shipments of wool, grain, hay and seed to Alturas and requires first-class and ample and ready equipment.

J. E. Mahan, Traffic Manager for the Nevada-California-Oregon Railway, appeared as a witness in support of applicant's proposed service and testified to the effect that this Railway Company had made a survey of the service of protestant Harris and had reached the conclusion that the proposed direct through service of applicants was necessary to handle the large and heavy freight shipments into Surprise Valley and that the equipment of Harris, protestant, was inadequate to handle this heavy traffic satisfactorily and that the shippers at Fort Bidwell would not use his service.

W. N. Harris, protestant, operates an authorized freight and passenger service between Willow Ranch, a station on the rail line, and Cedarville by way of Fort Bidwell, and carries the U.S. mail over this route. He appeared in his own behalf and testified to the effect that he renders a satisfactory service and that the large shipments had been made by other truck operators for some time past direct into Surprise Valley from Alturas because they were able to charge less for these shipments. He stated that his equipment consisted of only a one-ton Ford and a two-ton Garber truck eight years old, which had been in bad condition from

time to time. He testified, however, that he could handle all those heavy shipments from Alturas and from Surprise Valley if he were notified sufficiently in advance in order to have equipment ready and available.

We have carefully considered all the evidence in this proceeding and are of the opinion and hereby find as a fact that the public convenience and necessity require the proposed freight service of said applicants and that the application should be granted.

O R D E R

A public hearing have been held in the above entitled application, the matter having been duly submitted and being now ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the operation by William Frailey and V. C. Linville, co-partners doing business under the name of Frailey & Linville, of an automobile truck line as a common carrier of freight between Alturas and Fort Bidwell, serving Cedarville and Lake City and intermediate points,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for the foregoing truck service be and the same is hereby granted, not as a separate and distinct service, but as supplemental and in addition to applicants' present freight operative rights between Alturas and Cedarville and 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 within a period of not to exceed twenty (20) days from date hereof, such tariff of rates and time schedules to be identical with those attached to the application herein; and shall commence operation of said service 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.

For all purposes, other than hereinabove stated, the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 1st day of October, 1925.

H. A. Bourdier

George D. Squires

Leon Whitell
Commissioners.