

ORIGINAL

Decision No. 15495-

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
A. E. MALLETT and GENE ANTICHI, as)
co-partners, doing business under the)
fictitious name of Sacramento-Corning)
Freight Line, for a certificate of)
public convenience and necessity to)
operate an auto truck line as a common)
carrier of property for compensation)
between Sacramento and Redding and)
certain intermediate points, as an)
extension of present operations.)

Application No. 10880.

- A. B. Roehl, for Applicant.
- E. W. Hobbs, for Southern Pacific Company,
Protestant.
- Harry A. Encell and James A. Miller, for
Chico-Redding Freight Line, Protestant.
- A. L. Dillon and G. J. Bradley, amici curiae,
for American Railway Express Co., Protestant.

BY THE COMMISSION:

O P I N I O N

A. E. MALLETT and GENE ANTICHI, co-partners doing business under the fictitious name of Sacramento-Corning Freight Line, 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 Sacramento and Richfield, Red Bluff, Cottonwood, Anderson and Redding and between such intermediate points. This proposed service to be an extension of applicants' authorized freight operations between Sacramento and Corning and certain intermediate points.

Applicants propose to charge rates for the said proposed service as set out in paragraph "IV" of said application, and to operate one round-trip daily, excluding Sunday, between Sacramento

and Redding and intermediate points on the time schedule set out in paragraph "V" of said application, which time schedule would be in addition to the schedule now maintained by applicants between Sacramento and Corning and intermediate points; and to operate in said proposed service two 3½-ton auto trucks with trailers, adding any additional trucks as might be required by traffic conditions.

The Southern Pacific Company, American Railway Express Company and M. Bernardo, doing business under the fictitious name of Chico-Redding Freight Line, protested the granting of this application.

A. E. Mallett, one of the applicants, testified in his own behalf and called two other witnesses in support of the application. One of the two witnesses was Mr. W. M. Hays, whose testimony was mostly hearsay and to the effect that he had been specially employed to interview the merchants and business men along the route to be served to ascertain their needs as to the proposed service. The record shows that none of these merchant who were interviewed took enough interest in the proposed service to attend the hearing, and had only indicated generally a willingness to give some patronage to the proposed service if it was authorized; and there was little or no evidence to show what would be the nature and extent of their shipments.

The only other witness who appeared for the applicants conducts a garage and electrical store at Red Bluff, and he endorsed the service on the basis that shipments would be more direct and at less cost, and that there should be truck competition for the protesting rail carriers.

The American Railway Express Company offered in evidence a statement of its charges between the points proposed to be served, and also a schedule of its trains on which express service is handled.

After a careful consideration of the evidence, we are of the opinion, and hereby find as a fact, that public convenience and necessity do not require the proposed service of applicants, and that the application should be denied.

ORDER

A public hearing having been held in the above-entitled application, the matter having been duly submitted, the Commission being now fully advised, and basing its order upon the finding of fact as appearing in the opinion which precedes this order,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by A. E. MALLET and GENE ANTICHI, co-partners doing business under the fictitious name of Sacramento-Corning Freight Line, of an automobile truck line as a common carrier of freight between Sacramento and Richfield, Red Bluff, Cottonwood, Anderson and Redding, and between such intermediate points, and

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

Dated at San Francisco, California, this 7th day of October, 1925.

H. B. Brundage

C. A. Shaver

George D. Squires

Leon Whitwell
Commissioners.