

Decision No. 15693

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of Charles Kuppinger, operating under the name of CHARLES KUPPINGER COMPANY, for certificate of public convenience and to establish automobile freight service for the transportation of freight between San Francisco and Kelseyville, Lakeport, and Upper Lake, and between Petaluma and Kelseyville, Lakeport and Upper Lake, and between Santa Rosa and Kelseyville, Lakeport and Upper Lake, California, as business demands.

Application No. 11093

E. G. Crawford, for Applicant;

G. H. Baker, for Claude E. Doty; Edward Stern and A. S. Weston for American Railway Express Company;

W. J. Cummings, for Northwestern Pacific Railroad Company;

J. J. Geary,

E. H. Maggard and Donald Geary for Petaluma & Santa Rosa Railroad Company;

C. E. Brown, for San Francisco-Napa and Calistoga Railway;

J. R. Martin, protestant, in his own behalf.

BY THE COMMISSION:

O P I N I O N

Charles Kuppinger, doing business under the fictitious name of Charles Kuppinger 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 as a

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common carrier of freight between San Francisco and Kelseyville, Lakeport and Upper Lake, and between Petaluma and Kelseyville, Lakeport and Upper Lake and between Santa Rosa and Kelseyville, Lakeport and Upper Lake, California.

A public hearing on this application was conducted before Examiner Satterwhite at Lakeport, the matter was submitted and is now ready for decision. Applicant proposes to charge rates and to operate on a time schedule in accordance with Exhibits "A" and "B" attached to said application and to use the equipment as shown in Exhibit "C" attached to said application.

The Northwestern Pacific Railroad Company, the American Railway Express Company, the Petaluma & Santa Rosa Railroad Company and San Francisco Napa and Calistoga Railway protested the granting of said application.

Applicant now operates an authorized freight truck service between Ukiah and Upper Lake and between Hopland and Lakeport.

Applicant testified in his own behalf and called four or five merchants doing business at Lakeport in support of his application. No testimony was offered by any witnesses from any of the other communities proposed to be served by applicant. Applicant testified to the effect that he expects to secure certain shipments of freight from San Francisco, particularly fruit and vegetables, now being transported by a certain unauthorized carrier. Applicant proposes a weekly trip between San Francisco and Lakeport because he does not have any idea what volume of freight he may be asked to carry, but plans to pick up at San Francisco and transport direct to Lakeport any shipments of merchandise or perishables offered to him by Lakeport merchants or

by other merchants. The testimony of a few merchants at Lakeport, who appeared for applicant, was to the effect that a through and direct truck service, particularly for fruits and vegetables, would be advantageous, but that applicant would receive none of their patronage unless his rates were as low as the unauthorized carrier whom they had been patronizing. It appears that the rates of this unlawful carrier are considerably lower than applicant's proposed rates.

The record shows that applicant expects to receive some shipments of flour, feed and groceries north-bound from Sants Rosa and Petaluma, but he has not^{been} offered, nor does he expect to carry any southbound freight at all.

Northwestern Pacific Railroad Company offered evidence to the effect that it was rendering a satisfactory service to Hopland and that recently a special freight car for Hopland had been put in service to meet the demands of Lakeport and other shipments in the adjacent territory. After a careful consideration of all the evidence, we are of the opinion that public convenience and necessity do not require the service proposed by applicant and that the application should be denied.

O R D E R

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

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

Dated at San Francisco, California, this 30th day of November, 1925.

H. B. Brundage

C. A. Casey

George D. Squire

Ernest C. ...

Leon A. ...
Commissioners.