

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
JEROME STARKEY, doing business under
the name of STARKEY TRANSFER and
STORAGE COMPANY, for a certificate of
public convenience and necessity to
operate a transportation company for
the transporting of household goods,
office furniture and equipment, and
personal effects, within a radius of
one hundred twenty five miles of
Sacramento.

ORIGINAL

) Application No. 11579
)
)
)
)
)
)
)

Evan J. Hughes, for Applicant.
Harry A. Encell and James A. Miller, by Harry A. Encell
for Consolidated Furniture Moving Corporation
and Bekins Fireproof Storage, Protestants.
Dunn & Brand, and Morrison, Hohfeld, Foerster, Shuman
& Clark by H. W. Clark for Capital-Sacramento Transfer
Van & Storage Co., Intervenor.
W. L. Latta, for El Dorado Motor Transportation Co.,
Sacramento Freight Line, Sacramento Auto Truck Co.,
Sacramento-Corning Freight Line, and River Auto
Stage, Protestants.
C. E. Spear, for Southern Pacific Company, Protestant.
Butler, Van Dyke & Desmond by B. F. Van Dyke, for
Liberty Transfer & Storage Co., Protestant.
C. R. Detrick, for Western Pacific Railroad Co.,
Sacramento Northern Railroad, San Francisco-Sacramento
Railroad Co., and Central California Traction Co.,
Protestants.

WHITSELL, Commissioner -

O P I N I O N

In the above entitled application, as amended, Jerome
Starkey, doing business under the fictitious name of Starkey
Transfer and Storage Company, petitions for an order declaring
that public convenience and necessity require the operation by
him of an auto truck service as a transportation company, for
the movement, on demand, of household goods, office furniture
and equipment, and personal effects from point to point within
an area bounded by a 30 mile radius with Sacramento as its center,
or from or to said area to or from points in an area bounded
by a 125 mile radius with Sacramento as its center, or from
point to point in this latter area if the movement would reason-

ably pass through Sacramento or within 20 miles thereof, providing also that the area served shall be extended on the State Highways to include Red Bluff and Redding via Anderson and Cottonwood, Merced and Fresno via Ethlone, Berenda, Madera and Herndon, and Del Monte, Monterey, Pacific Grove and Carmel via San Juan and Salinas.

Applicant alleges that he has been engaged in the business of transporting household goods, furniture, etc., within territory of 125 miles radius of Sacramento since January, 1917, and that there are many other companies engaged in a like business in Sacramento and vicinity, and that there is a demonstrated need for the service offered. Attached to the application are proposed rules, regulations, tariffs of rates and list of equipment, which latter consists of 1 6-ton tractor-trailer van, two 4-ton tractor-trailer vans and one 2-ton truck.

Capital-Sacramento Transfer Van & Storage Company filed a petition in intervention, in which it was alleged that it had been engaged in the transportation of household goods and furniture in a territory within a 200 mile radius of Sacramento since March, 1916, that intervenor has now an application on file with the Railroad Commission praying for a certificate authorizing similar service in the same general territory proposed by applicant, requesting that any certificate which may be issued be made subject to present or future showing by intervenor as applicable to the territory both desire to serve.

A public hearing was held at Sacramento, the matter was duly submitted and is now ready for decision.

Applicant, Jerome Starkey, testified that he had been engaged in the transportation of furniture and household goods in Sacramento and surrounding territory for some years, trips having been made to Redding on the north and to Fresno and Los Angeles on the south. Witness explained in detail the equipment used, his method of operation and other matters.

Applicant presented an exhibit showing the business done exclusive of that handled solely within the city limits of Sacramento and covering the period from July, 1923, to July, 1925, inclusive. He further testified that the out of town hauling, as shown by the exhibit, represented 50 to 60 percent of all business done, and that 60 percent of the out of town business was transported between Sacramento and the San Francisco Bay region.

Three witnesses were presented in support of the application who had used applicant's service and who were satisfied with the rates and service received, but who were not informed as to any need for service except as they had made use of it in the past.

In further support of the application four other witnesses testified, but from the record herein find nothing materially supporting the allegation of applicant.

Harry Gorman, Secretary of the Consolidated Furniture Moving Corporation, protestant herein, and an authorized carrier, testified that his company renders a bi-weekly service between the Bay District and Sacramento; that for some time operations out of Sacramento had been conducted at about one-third of truck load capacity. In the opinion of this witness the light business was due to the cutting of rates by unauthorized carriers.

R. J. Bekins, testifying for Bekins Fireproof Storage, another protestant, stated that his company's vans operated at about one half capacity as regards service rendered between Sacramento and the Bay District.

Arthur L. Burger, a witness for Liberty Transfer & Storage Company, who protested the granting of this application, stated that his company made a weekly trip, many times with trucks only partially loaded and every fifth or sixth week trucks were operated without load.

The Commission has heretofore held that an applicant for a certificate of public convenience and necessity is required to make a complete and affirmative showing before a certificate

may be issued. No such showing has herein been presented. The record discloses the testimony of applicant and three witnesses who have availed themselves of his service. If there be a demand for applicant's proposed service, the record herein shows no evidence of such demand, or any proof as to applicant's knowledge of the conditions existing that would require his services.

After full consideration of the record and evidence herein, I am of the opinion and hereby find as a fact that no showing of public convenience and necessity has been made which justifies the issuance of the desired certificate and for such reason application must be denied.

I recommend the following form of order:

O R D E R

A public hearing having been held on the above entitled proceeding, the matter having been duly submitted and the Commission being now fully advised and basing its order on finding of fact as set forth in the opinion which precedes this order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity do not require the operation by Jerome Starkey, doing business under the fictitious name of Starkey Transfer and Storage Company, of an automotive truck line for the transportation of household goods, office furniture, etc., from point to point within territory of one hundred twenty five mile radius of Sacramento and ^{as} more fully set out in the preceding opinion; and

IT IS HEREBY ORDERED that this application be and the same hereby is denied without prejudice.

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

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 21st day of December, 1925.

H. H. Brandt
Chairman
George D. Squire
Leon Whitell
COMMISSIONERS