

ORIGINAL

Decision No. 15808

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 G. I. REIS for a certificate of pub-
 lic convenience and necessity to oper-
 ate freight truck service between
 Laguna Beach and Los Angeles, Huntington
 Beach, Newport and Balboa, and intermediate
 points.) Application
) No. 11246

Frank M. Smith, for Applicant.
 T. A. Woods, for American Railway Express Company,
 Protestant,
 N. H. Robotham, for Pacific Coast Motor Coach
 Company, Protestant.

WHITSELL, Commissioner -

O P I N I O N

In this proceeding, applicant G. I. Reis petitions for an order of the Railroad Commission declaring that public convenience and necessity require the extension and consolidation of applicant's freight service as now rendered between Los Angeles and Balboa Beach to Laguna Beach. The application, as amended, alleges that at present Laguna Beach is without through freight service from or to Los Angeles and that numerous requests have been made upon applicant to render this service. Accompanying the application are the tariffs of rates offered and a time schedule, on a basis of service three times per week.

A public hearing was held at Los Angeles on December 3, 1925, at which time the matter was duly submitted and it is now ready for decision.

The records show that the Commission in its Decision No. 12803, issued November 7, 1923, on Application No. 9373, granted a certificate of public convenience and necessity to H. B. Webster, E. C. Twitchell and Edwin B. Palmer, co-partners, which authorized the operation of an automotive truck line as a common carrier

of freight between Los Angeles and Los Alamitos, Westminster, Wintersburg, Huntington Beach, Costa Mesa, Newport and Balboa Beach. The certificate as granted has subsequently been transferred three times by virtue of authority granted by the Commission. The present owner is G. I. Reis, operating under the fictitious name of Los Angeles-Newport Truck Line, and applicant in the instant proceeding.

Mr. J. W. Cauley, Manager of applicant's line as now operated under authority above noted, testified as to the character of operations as now conducted and the necessity for extension of service to and including Laguna Beach, a community now without direct through service from or to Los Angeles, and that a number of merchants had informed this witness that the proposed service was desired by them.

The route to be used is over a new highway being constructed which will not be entirely complete for about ninety days, although it is now being used.

The traffic managers of the Los Angeles Soap Company and E. Jevne Company testified as to the need of the proposed service for merchandise deliveries to their customers at Laguna Beach.

Two merchants from Laguna Beach testified as to their needs and desire for the offered service and further as to the general dissatisfaction with the service now received from certain authorized carriers, such dissatisfaction arising mostly from delay arising from the necessity of transferring shipments, and also improper handling of the commodities shipped.

Protestants called no witnesses and confined their protests to examination of applicant's witnesses.

After full consideration of the record herein, I am of the opinion that the public should have the benefit of the direct service as proposed, and I hereby find as a fact that public convenience and necessity requires the granting of a certificate in accordance with the accompanying order.

I submit the following form of order:

O R D E R

A public hearing having been held in the above entitled application, evidence taken and the matter duly submitted, the Commission being now fully advised and basing its order on the 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 require the operation by G. I. Reis of an automotive truck line as a common carrier of freight between Los Angeles and Laguna Beach not as a separate operative right but as an extension of the present operative right of applicant between Los Angeles and Balboa Beach and intermediate points, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted in conformity to the foregoing declaration and subject to the following conditions:

1- Applicant shall file written acceptance of the certificate herein granted within a period not to exceed ten (10) days from date hereof; shall file in duplicate within a period of not to exceed twenty (20) days from date hereof, new tariffs of rates, rules and regulations and time schedules, such filing to include tariffs of rates, rules and regulations, and time schedules now of record with the Commission covering present operative right, and also the tariffs of rates, time schedules, rules and regulations, attached to and made a part of the instant amended application, and acceptable to the Commission; and shall commence operation of service on or before thirty (30) days from date hereof.

2- The rights and privileges herein authorized may not be sold, leased, transferred, assigned, nor service thereunder discontinued unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance of service has first been secured.

3- No vehicle may be operated by applicants herein under the authority hereby granted unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to this Commission.

4- 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 29th day of December, 1925.

H. B. Brundage
C. Seavey
George D. Squire
Leon Whitell
COMMISSIONERS.