

ORIGINAL

Decision No. 16085

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
G. W. STELLWAY for certificate of)
public convenience and necessity to)
operate auto truck service between) Application No. 11819
Los Angeles and Los Angeles Harbor)
for one firm only.)

In the Matter of the Application of)
J. O. ERNST for certificate of)
public convenience and necessity to)
extend present operation to that of) Application No. 12082
serving Wilmington and San Pedro)
from both Los Angeles and Long Beach,)
California.)

Mc Neil & Cotter by Edward J. Cotter for G. W. Stellway,
Applicant in Application No. 11819.
Richard T. Eddy for J. O. Ernst, Applicant in Appli -
cation No. 12082.
D. W. Layne, for Pacific Electric Railway Company,
Protestant in both applications.

WEITSELL, Commissioner -

O P I N I O N

G. W. Stellway has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an auto truck service for the transportation of old newspapers, junk and hoop iron between Los Angeles and Los Angeles Harbor when consigned to or from the plant of the Southern California Paper and Stock Company at 4th and Molino Streets, Los Angeles.

J. O. Ernst has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the extension of applicant's present operative rights between Los Angeles and Long Beach for the transportation of drugs, drug sundries, bicycles, motorcycles, accessories and supplies to Wilmington and San Pedro from both Los Angeles and Long Beach.

A public hearing on the above matters was held at Los Angeles on February 10, 1926, at which time the matters were consolidated for the purpose of receiving testimony and for decision, were duly submitted, and are now ready for decision.

Applicant George W. Stellway testified that he engaged in truck transportation in 1908 and continued the business until 1916 when for a period of three years he served in the United States Army during the World War. At the conclusion of his army service he re-engaged in truck transportation in 1920 and operated between Los Angeles and Los Angeles Harbor points, handling commodities for one firm. He conducted such service under the impression that a certificate was not required.

The Southern California Paper and Stock Company require transportation service to Los Angeles Harbor points for newspapers in bales, junk and hoop iron. At present their business is about equally divided between applicant and an authorized carrier who did not appear in protest. In addition to the Harbor haul, applicant does considerable work for the company in the City of Los Angeles. Applicant's equipment consists of one 3½ ton truck and one 5 ton 4 wheel trailer.

Mr. D. H. Lewis, Secretary and Treasurer of Southern California Paper and Stock Company, testified as to his company's need for the service herein proposed. Rail service was not satisfactory, mainly due to the delay in delivery.

Applicant J. O. Ernst now has a certificate from this Commission which authorizes a daily motor truck service between Los Angeles and Long Beach for the transportation of drugs and drug sundries, bicycles, motorcycles, accessories and supplies. This certificate was granted by Decision No. 8505 on Application No. 6187, decided January 5, 1921.

Mr. J. O. Ernst, testified that he was now transporting commodities for more than five wholesale drug supply houses and for three concerns dealing in motorcycles, bicycles, accessories and supplies. These concerns had requested applicant to extend his

service to include Wilmington and San Pedro. Most of his present business consists of pick-up of packages at Los Angeles and their delivery at Long Beach to about 95 retail stores. Only occasionally do these commodities move in truck load lots.

Applicant proposes an extension of his present daily service to include Wilmington and San Pedro, to be served by way of Long Beach and also direct from Los Angeles.

Two representatives from wholesale drug supply houses located at Los Angeles testified in behalf of applicant. These parties were satisfied with the service given by applicant under his present operative right, and desired that he be authorized to extend the service as herein applied for. Retail stores patronizing the wholesalers generally carry small stocks due to the ease of replenishment by and the dependability of applicants' service. It is estimated that if the certificate is granted, about 80 additional stores will be served.

A representative of a wholesale stationery supply house testified to the need for the proposed service. This concern sells to about 25 stores at Long Beach and it is estimated about an equal number will need service in the territory applied for.

Mr. C. F. Hafer, connected with Pacific Motor Supply Company, testified that his company now uses applicant's service to Long Beach and will have use for ^{the} proposed service about twice a week.

Pacific Electric Railway Company confined its protest to examination of the applicant's witnesses.

The evidence herein shows a necessity for the proposed service of applicants, and I, therefore, find as a fact that certificates of public convenience and necessity should be granted in conformity with the following order.

I recommend the following form or order:

O R D E R

A public hearing having been held upon the above entitled proceedings, the matter having been consolidated for the receiving

of evidence and for decision, having been duly submitted, the Commission being now fully advised and basing its order upon 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 requires the operation, on demand, by G. W. Stellway of a motor truck service between Los Angeles, and Wilmington and San Pedro, for the transportation of newspapers in bales, junk, and hoop iron in reels in 5 ton lots or more, and provided that shipments shall be handled for the account of Southern California Paper and Stock Company.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by J. O. Ernst of a motor truck service between Long Beach, and Wilmington and San Pedro, and between Los Angeles, and Wilmington and San Pedro, for the transportation of drugs, drug sundries, bicycles and motorcycles and their accessories and supplies, and return of empty containers, not as a new and separate certificate, such operations to be but as an extension of the present operative right of applicant between Los Angeles and Long Beach as authorized by Decision No. 8505 on Application No. 6187.

IT IS HEREBY ORDERED that certificates of public convenience and necessity be and the same hereby are granted to G.W. Stellway and J.O. Ernst, subject to the following conditions:

1- Applicants shall file their written acceptances of the certificates herein granted within a period of not to exceed ten (10) days from date hereof; and shall file, in duplicate, tariffs of rates, rules and regulations, and time schedules within a period of not to exceed twenty (20) days from date hereof, such tariff of rates, rules and regulations, and time schedules to be identical with those attached to the applications herein, and/or acceptable to the Commission.

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

3- No vehicles may be operated by applicants herein unless such vehicles are owned by said applicants or are leased by them under a contract or agreement on a basis satisfactory to this Commission.

4- For all purposes, other than hereinabove stated, 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 7th day of March, 1926.
~~February~~

H. B. Randiga

C. J. Sawyer

Leon Whitell

COMMISSIONERS.