

to said application and to use the equipment described in Exhibit "C".

E. D. McDonald has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the establishment by him of an auto truck service as a common carrier of motion picture films, equipment and supplies for motion picture theatres between San Francisco and Oakland, Berkeley, Emeryville, Piedmont, Alameda and Eden Township.

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 described in Exhibit "C" attached thereto.

A public hearing on said applications was conducted before Examiner Satterwhite at San Francisco, at which time they were consolidated for the purpose of receiving evidence and for decision. Said matters were submitted, and are now ready for decision.

The American Railway Express Company appeared at said hearing, but did not protest the granting of said applications.

Each of said applicants testified in support of their respective applications and a considerable number of witnesses testified to the public necessity and convenience of the proposed service of each of said applicants. The evidence shows that each of said applicants, for several years last past, have been delivering motion picture films, equipment and supplies from San Francisco direct to nearly all of the motion picture theatres located in the respective East-Bay towns proposed to be served.

The record shows without contradiction that the special service which both applicants propose to render consists of a very efficient distribution of motion picture films and theatre supplies and equipment, and that it affords prompt and immediate transportation between the theatres and the film distributing agencies.

that cannot be and never has been given by any other transportation company handling these films and supplies. This special service is a personal and individual service. It appears that the time schedule proposed to be maintained by both applicants affords a direct and continuous service in the distribution of said films and prevents any loss of their use by the various motion picture theatres showing the films in the different communities. Applicants deliver the films, equipment and supplies direct to each theatre, which saves each individual theatre the expense of hiring any other person to call for the same at the distributing depots. The theatres furnish each applicant with keys which permits delivery of the films at times when theatre employees are or may be absent therefrom. It was shown that this service cannot be given or maintained by other existing transportation companies in general transportation business for the reason that the personal attention required in the delivery of films cannot be given by these general transportation companies.

The record shows that both of said applicants, by reason of their years of experience in the transportation of films to these various theatres, have acquired a special knowledge and training which renders this proposed service very efficient as well as satisfactory.

The evidence shows that said applicant, W. B. Borders, at the present time is serving satisfactorily about 32 theatres in the East-Bay communities proposed to be served. E. D. McDonald serves about 15 theatres in various East-Bay communities, but does not serve now, and never has served, any motion picture theatre in the City of Alameda.

After careful consideration of all the evidence, we are of the opinion and hereby find as a fact, that public convenience and necessity require the service proposed by said applicant, W.B. Borders, and that his application should be granted; and

We are further of the opinion, and hereby find as a fact, that the application of E. D. McDonald, with the exception of the proposed service to the City of Alameda, should be granted.

O R D E R

A public hearing having been held in the above entitled applications, the matters having been consolidated for the purpose of receiving evidence and for decision, having been duly submitted, and being now ready for decision,--

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by W. B. BORDERS of an auto truck service as a common carrier of motion picture films, equipment and supplies for motion picture theatres between San Francisco and Oakland, Alameda, Berkeley and Emeryville.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same is, hereby granted to said W. B. BORDERS for the operation of the service hereinabove described, subject to the conditions hereinafter set forth.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FURTHER DECLARES that public convenience and necessity require the operation by E. D. McDONALD of an auto truck service as a common carrier of motion picture films, equipment and supplies for motion picture theatres between San Francisco and Oakland, Berkeley, Emeryville, Piedmont and Eden Township.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same is, hereby granted to said E. D. McDONALD, for the operation of the service hereinabove described, subject to the conditions hereinafter set forth.

The authority herein granted is subject to the following conditions with respect to each of said applications, to-wit:

1. Applicants shall file their written acceptance of the certificates herein granted within a period of not to exceed ten (10) days from the date hereof; shall file, in duplicate, tariffs of rates and time schedules within a period of not to exceed twenty (20) days from the date hereof, such tariffs of rates and time schedules to be identical with those attached to the applications herein; and shall commence operation of said service within a period of not to exceed thirty (30) days from the date hereof.
2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment 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 the Railroad Commission.

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

Dated at San Francisco, California, this 2nd day of April, 1926.

W. H. Brundage
C. Leary
E. J. Edwards
Leon Whitell

Commissioners.