

Decision No. 17547

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of F. R. PALMATEER, doing business
under fictitious name of Fidelity
Fireproof Storage Company, for a
certificate of public convenience
and necessity to operate auto truck
service between Los Angeles and
various points in Southern Califor-
nia.

APPLICATION NO. 11659.

F. R. Palmateer, Applicant, in Propria Persona.

Phil Jacobson, for Rex Transfer Company, Pro-
testant.

T. F. Hunter, for Pacific Electric Railway Com-
pany, Protestant.

BY THE COMMISSION:

O P I N I O N

F. R. Palmateer, doing business under the fictitious name of Fidelity Fireproof Storage Company, 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 household goods, personal effects, office furniture and equipment, pianos, washing machines, sewing machines, and theater seats in lots of 100 or more, between Los Angeles and various points in Southern California, as shown in Exhibit "A" attached to the application.

A public hearing herein was conducted by Examiner Williams at Los Angeles.

The service proposed by applicant is not to be conducted on schedule, but upon demand of any shipper, and it was stipulated by applicant that all business must originate in or be destined to Los Angeles. The rates to be charged are as shown in applicant's Exhibit "A".

Applicant testified that the business was established in 1912 and is incidental to the warehouse business which he conducts at 1836 South Arapahoe Street, Los Angeles. Of the gross transportation business conducted by applicant, about 25 per cent is for delivery or receipt outside the city of Los Angeles. A portion of this business is the transportation of seats and furniture used in theaters and other places of amusement, a business which applicant has enjoyed for many years. He testified that the business had been conducted continuously under the belief that no certificate from this Commission was required, but that during the period since the operation was established he had held himself out to the public to transport household goods and furniture to any point.

A. F. Fleming of the C. F. Webber Company, furniture manufacturers, testified that applicant delivers theater, school and church seats for this firm wherever they are required. An important part of this service is the transportation of overstuffed loge chairs, which are large and bulky and require extra careful handling to insure delivery in an undamaged condition. This firm has shipped by applicant's service for two and one-half years.

There was no testimony, either on the part of applicant or his witnesses, that the service is conducted over

a regular route or between fixed termini. Regardless of what may be the desire of the applicant in any proceeding, this Commission has invariably required, as a prerequisite to the certificating of an operation, the presentation of affirmative testimony as to public necessity. According to the testimony presented by this applicant, the service proposed does not differ from the ordinary "on call" service described in the Ben Moore decision (Decision No. 15818 on Application No. 11303), there being no frequency of operation, pursuit of regular routes or regularity as to points of destination. This being true, we believe the service proposed by applicant between fixed termini or over a regular route has not been shown by the record herein to be one which is required by public necessity, and therefore the application should be denied. An order will be entered accordingly.

O R D E R

F. R. Palmateer, doing business under the fictitious name of Fidelity Fireproof Storage Company, having petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an auto truck service between Los Angeles and various points in Southern California, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity do not
require the operation of an auto truck service, as proposed
by applicant herein, between Los Angeles and various points
in Southern California; and

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

The effective date of this order shall be twenty
(20) days from and after the date hereof.

Dated at San Francisco, California, this 29th
day of October 1926.

H. B. Brandige

C. A. Seaver

Ernest D. ...

Thomas B. ...

COMMISSIONERS.