

Decision No. 17605

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of INGLEWOOD TRANSFER AND STORAGE)
COMPANY for certificate of public)
convenience and necessity to oper-)
ate freight service between Ingle-)
wood and Paso Robles, Inglewood and)
Fresno via Porterville, Inglewood)
and Randsburg via Palmdale, Ingle-)
wood and Barstow via San Bernardino)
Inglewood and Beaumont via Pomona,)
Inglewood and El Centro via Thermal)
and Mecca, Inglewood and San Diego)
via San Juan Capistrano and Ocean-)
side, Inglewood and Elsinore via)
Fullerton and Corona, Inglewood and)
Santa Ana via Long Beach, and all)
intermediate points whether located)
directly on the highway or distant)
therefrom not more than thirty (30))
miles, and all intermediate points.)

ORIGINAL

APPLICATION NO. 12092.

Woodworth & Mills, by J. Gordon Mills, for
Applicant.

W. E. Sanson, for Motor Transit Company, Pro-
testant.

B. J. Cross, for Southern Pacific Railway.
Protestant.

BY THE COMMISSION:

O P I N I O N

Mary K. Lewis, doing business under the fictitious name of Inglewood Transfer & Storage Company, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by her of an auto freight service between Inglewood and various points in Southern California as set forth in the application.

Public hearings herein were conducted by Examiner Williams at Los Angeles.

Applicant now operates under Decision No. 7635 on Application No. 5268, dated May 27, 1920, a service for the transportation of freight between Inglewood, a suburb of Los Angeles, and Los Angeles. Since the issuance of this certificate, and more particularly in the last two years, applicant has conducted an "on call" business in the transportation of furniture, machinery and household goods from Inglewood to various points in Southern California. According to the testimony of applicant and her husband, E. B. Lewis, these movements have been infrequent and always by private arrangement with the consignors, and clearly constitute a business of the same character as that declared in Decision No. 15818 on Application No. 11303 of Ben Moore to be one not between fixed termini or over regular routes, and hence not within the jurisdiction of this Commission.

The application was submitted solely upon the testimony of applicant and her husband, and was not supported by the testimony of any other witnesses. We therefore believe that no public necessity was shown for the general service proposed, and for this reason, as well as because of the character of the service itself, the application should be denied.

In the course of the hearing it developed that applicant Mary K. Lewis is not the holder of the certificate granted by Decision No. 7635 on Application No. 5268. This certificate was issued to E. B. Lewis. Applicant testified that before and ever since this certificate was granted she has owned and conducted the business, and that until the present hearing she had not been aware that the certificate had been granted in her husband's name, instead of her own. This statement was cor-

roborated by Mr. Lewis, who testified that he had believed at all times that the business and certificate were in the name of his wife. In view of this situation applicant was given permission to amend the application herein to provide for the transfer to Mary K. Lewis of the certificate granted by Decision No. 7635 on Application No. 5258. The application was so amended and the amended application alleges that "by mistake and inadvertence the permit above referred to was issued to H. B. Lewis, doing business as H. B. Lewis Transfer Company, instead of in the name of applicant Mary K. Lewis". Examination of the record in the original proceeding discloses no inadvertence on the part of this Commission. The application was signed and verified by H. B. Lewis, operating as "H. B. Lewis Transfer Company", and H. B. Lewis was the only person present as applicant in support of the application. The record does not disclose any reference to Mary K. Lewis, and therefore the pleading in this respect is in error.

It does appear, however, from the testimony in the present proceeding that H. B. Lewis desires to transfer the above mentioned certificate, without consideration, to Mary K. Lewis, his wife, and we see no reason why this transfer should not be authorized, as the business is now and apparently always has been conducted by Mary K. Lewis, and Mr. Lewis testified that he had no interest whatsoever in the business except as an employee.

We therefore find as a fact, upon the record herein, that public convenience and necessity do not require the operation of an automobile freight service as proposed by applicant; and we further find that the transfer of the certificate granted

to H. B. Lewis by Decision No. 7635 on Application No. 5268.
to Mary K. Lewis, his wife, should be approved.

O R D E R

Mary K. Lewis, doing business under the fictitious name of Inglewood Transfer & Storage Company, having petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by her of an auto freight service between Inglewood 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 operation by applicant of an auto freight service between Inglewood and various points in Southern California, as set forth in the application herein, and

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

IT IS HEREBY FURTHER ORDERED that the transfer, without consideration, of the certificate granted by Decision No. 7635 on Application No. 5268 to H. B. Lewis, doing business as the H. B. Lewis Transfer Company or Lewis Transfer Company, to Mary K. Lewis, his wife, actual owner of the business, be and the same hereby is approved, said transfer being subject to the following conditions:

