

Decision No. 18173

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
JOHN C. WELDON for certificate of  
public convenience and necessity to  
operate motor truck freight service  
between Corcoran, Kings County,  
California, and points on State and  
County Highways within a radius of  
two hundred (200) miles.

**ORIGINAL**Application  
No. 11333

John C. Weldon, for Applicant, in propria persona.

Gwyn H. Baker for T. J. Black; E. L. Askin and  
F. N. Ogilvie; and D. E. Rowland; and George A. Bigard,  
Protestants.Charles A. Beck, for Dinuba Truck Line; H. Frasher Truck  
Line; Coalinga-Fresno Truck Line; J. O. Bray; A. L. Morgan  
& Sons; Visalia Truck; G. C. Scribner & Son; Sanger  
Truck; Triangle Transfer; and Kings River Transpor-  
tation Company, Protestants.Phil. Jacobson, for California Highway Express, and  
Bekins Van Lines, Protestants.H. A. Rose and Phil Jacobson, for San Joaquin Valley  
Transportation Company, Protestant.F. N. Bradshaw and A. G. Schmitt, for Southern Pacific  
Co., Visalia Electric Railway Co. and Fresno  
Traction Co., Protestants.

Edward Stern, for American Railway Express Co., Protestant.

F. M. Hodge, for Hodge Transportation System, Protestant.

M. W. Bacon, for Bacon Service Corporation, Protestant.

BY THE COMMISSION -

OPINION

In this proceeding John C. Weldon seeks a certificate of public convenience and necessity authorizing the establishment of an automobile truck service for the transportation of household goods, household and office furniture and equipment, farm machinery, farm produce, grain, lumber, building material and hardware, between Corcoran, Kings County, and points on state and county highways within a radius of two hundred miles thereof. Applicant proposes to operate "on call", maintaining no regular schedule, and specifies three routes, viz., (1) Coast route via Santa Barbara and San Luis Obispo; (2) Valley route via Fresno and Bakersfield; and (3) all passable roads in the territory commonly known as the Tulare Lake bottoms in Kings

County. Applicant's proposed rates are on both an hourly and a ton basis. A rate of \$2.50 per hour, maximum 2 tons, with a charge of 75 cents per hour for additional help, is provided for movement over level roads, irrigated roads and roads of almost impassable nature; a ton rate of 25 cents per mile is applicable for transportation over paved highways and passable dirt roads; and upon furniture, machinery, lumber and general merchandise, a commodity rate of \$2.00 per 100 pounds, minimum 2 tons, is provided. At the hearing applicant amended the application to provide a minimum rate of \$1.00 per ton. The equipment to be used consists of two Chevrolet 1-ton trucks and two 1/2-ton trailers. Annexed to the application is a list containing the names of 101 shippers, all of whom, so applicant testified, had used his service.

A public hearing was conducted before Examiner Austin at Fresno, when evidence was offered and the matter was submitted. This application was consolidated for hearing with applications Nos. 11265, 11273, 11302, 11304, 11299, 11305, 11367 and 11540, all of which have since been dismissed pursuant to our decision In re Ben Moore, Application No. 11305 (one of the consolidated cases), Decision No. 15818, 27 C.R.C. 388.

Applicant testified that approximately 60% of the commodities hauled consisted of hogs, feed, hay, grain and occasional emergency shipments of machinery, the remaining 40% consisting of furniture and household goods. Aside from furniture, applicant's service has been limited ordinarily to and from points within a radius of ten miles of Corcoran, occasional shipments of machinery moving distances of from 20 to 25 miles. Furniture and household goods have been hauled largely to points within a radius of 12 to 15 miles of Corcoran, mostly to and from points in the Tulare Lake bottoms, but occasionally shipments have moved distances of from 100 to 200 miles, applicant referring specifically to shipments to Los Angeles, Visalia, Lemoore, and to a ranch

near Tipton. He also stated he had hauled furniture from Corcoran to Oakland, to the coast, Los Angeles, Pasadena, Porterville, Lindsey, Visalia, and to all the towns in the San Joaquin Valley. Applicant does not seek to haul commodities other than furniture and household goods for distances exceeding a radius of six or eight miles of Corcoran, but as to furniture and household goods, he desires permission to transport them from Corcoran to points within a radius of 200 miles, no back-haul or service to intermediate points being sought.

Applicant made no complaint of the sufficiency of existing facilities for handling general merchandise, but stated that the Santa Fe rail service was infrequent, and that the furniture rates of Bekins Van Lines and California Highway Express, were excessive. He stated he owned his equipment, and was financially able to undertake this service.

As has been pointed out, most of his service will be conducted within a small radius of Corcoran, with the exception of furniture. Even as to that commodity, no well defined routes were suggested.

Applicant called no further witnesses, but submitted the case on his own testimony.

The granting of this application was protested by T. J. Black (applicant in Application No. 11265); E. L. Askin, F.N. Ogilvie and W. J. Ogilvie (Applicants in Application No. 11273); D. H. Rowland (Applicant in Application No. 11302); George A. Bigard (Applicant in Application No. 11304); Dinuba Truck Line; H. Frasher Truck Line; Coalinga-Fresno Truck Line; J.O. Bray; A.L. Morgan & Sons; Visalia Truck; G.C. Scribner & Son; Sanger Truck; Triangle Transfer; Kings River Transportation Company; California Highway Express; Bekins Van Lines; San Joaquin Valley Transportation Company; Southern Pacific Co.; Visalia Electric Railway Co.; Fresno Traction Co.; American Railway Express Co.; Hodge Transportation System; and Bacon Service

Corporation.

None of protestants introduced any evidence, being content to rest upon a stipulation entered into with other applicants in the consolidated cases, to which stipulation this applicant was not a party.

Applicant's affirmative showing, however, is not sufficient to justify the granting of the certificate sought. In view of our decision in the Ben Moore case, supra, this Commission has no jurisdiction over the proposed radial operations; and the proof is insufficient to warrant the authorization of the proposed furniture operations, even though the application be considered in this respect as naming definite routes, a circumstance in which it is most deficient.

Insofar as the application seeks authority to conduct a radial service it will be dismissed, as being beyond and in excess of our jurisdiction.

Upon full consideration of the evidence, we are of the opinion and hereby find as a fact that public convenience and necessity do not require the operation by John C. Weldon of an automobile truck service for the transportation of household goods, household and office furniture and equipment, farm machinery, farm produce, grain, lumber, building material and hardware, over any route or routes, between Corcoran, Kings County, and points on state and county highways, within a radius of two hundred miles thereof.

An order will be entered accordingly.

#### ORDER

An application having been filed with the Railroad Commission, as indicated in the Opinion which precedes this Order, a public hearing having been held, the matter having been duly submitted, and the Commission being now fully advised and basing its order on the findings and statements of fact which appear in the Opinion preceding this Order:

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY  
DECLARES that public convenience and necessity do not require  
the operation by John C. Weldon of an automobile truck service  
for the transportation of household goods, household and office  
furniture and equipment, farm machinery, farm produce, grain,  
lumber, building material and hardware, over any route or routes,  
between Corcoran, Kings County, and points on state and county  
highways within a radius of two hundred miles thereof.

IT IS HEREBY ORDERED, that said application, insofar as it  
seeks authority to conduct an automobile truck service for the  
transportation of the commodities mentioned, over any route or  
routes, between Corcoran, Kings County, and points on state and  
county highways within a radius of two hundred miles of Corcoran,  
be and the same is hereby denied.

IT IS FURTHER ORDERED, that said application, insofar as  
it seeks authority to conduct an automobile truck service for  
the transportation of said commodities within a radius of two  
hundred miles of Corcoran, without regard to any defined route  
or routes, be and the same is hereby dismissed for want of  
jurisdiction.

Dated at San Francisco, California, this 6<sup>th</sup> day of April,  
1927.

COMMISSIONERS.