

ORIGINAL

Decision No. 18184

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 MT. LASSEN TRANSIT COMPANY, a corpor- )  
 ation, for a certificate of public )  
 convenience and necessity for the )  
 transportation of freight over and )  
 along the routes and between the fixed ) Application  
 termini and intermediate points thereto ) No. 12405  
 now served by it in the Counties of )  
 Tehama, Butte, Plumas and Lassen, as a )  
 common carrier of passengers, express )  
 and freight. )

Harry A. Encell and Jas. A. Miller, by  
 Harry A. Encell, for Applicant,  
 Allison Ware for Chico Chamber of Commerce  
 and D. Bernardo, Protestants,  
 L. N. Bradshaw for Southern Pacific Company, Protestant,  
 Edw. Stern for American Railway Express Company,  
 Protestant,  
 W. M. Kearny for Ginocchio, Balmain and Smith, Protestants.

BY THE COMMISSION -

O P I N I O N

Mt. Lassen Transit Company, a corporation, by its amended application, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the transportation by it of freight over all routes in the Counties of Tehama, Butte, Plumas and Lassen now served by applicant in the carriage of passengers and express.

Public hearings on this application were conducted by Examiner Handford at Chico and Westwood, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with a schedule marked "Exhibit A" as attached to the application and as amended at the Westwood hearing; to operate a daily service between all points shown on the amended rate schedule; and to use as equipment such trucks and trailers of sufficient capacity as may be necessary to adequately serve the demands of the public.

Applicant relies as justification for the granting of the desired certificate on the following alleged facts: That there is no freight line, steam railroad or electric railroad between the points proposed to be served, excepting between the California Nevada state line served by the rails of the Southern Pacific Company; that applicant receives many requests for the transportation of freight between the points proposed to be served which it is unable to care for in the absence of the authority conferred by a certificate of public convenience and necessity; and that applicant's inability to care for the requests of the public is a source of continual annoyance and requires frequent explanation.

The routes over which authority to transport freight is requested are as follows:

- I. Between Westwood and a point on the California-Nevada state highway near Doyle, California, and the intermediate communities of Susanville, Johnstonville, Janesville, Buntingville, Milford and Doyle.
- II. Between Westwood and Red Bluff and the intermediate communities of Chester, Mineral and Paynes Creek.
- III. Between Jonesville and Chico and the intermediate communities of Butte Meadows, Loma, West Branch, Berdams and Forest Ranch.
- IV. Between Westwood and Keddie and the intermediate communities of Crescent Mills, Greenville, Forest Camp, Canyon Dam, Praterville, Almanor Inn and Chester.
- V. Between Westwood and Drakesbad and the intermediate communities of Chester, Lee's Camp and Kelley's Camp.
- VI. Between Chester and Juniper Lake.
- VII. Between Mineral and Lake Helen and the intermediate community at Supan Sulphur Works.

Authority is also requested to serve all points on all the above mentioned routes, except route III (between Jonesville and Chico), said route having no physical connection with the other routes on applicant's system.

W. C. Lawrence, Traffic Manager of applicant, testified that requests had been made for the establishment of the proposed service; that flour was shipped in carload lots to Susanville from which point a portion of the carload was transported to Greenville; request for oats and wheat to be transported from Susanville to Crescent Mills and Greenville; for the movement of apples from Milford to Westwood, Chester and Canyon Dam; oats from Indian Valley points to Westwood and Susanville; and fruit and vegetables from Red Bluff for Susanville, Westwood and resort points.

T. S. Walker, Assistant General Manager of Red River Lumber Company, and an official of applicant corporation, testified as to the need for the establishment of the proposed service for the transportation of produce from Red Bluff to Westwood, such produce now being handled by private trucks originating their haul at points in the Sacramento Valley and arriving at Westwood about noon or after of each day, which arrival is too late for the best disposition of produce to the customers of the company store and often necessitates carrying the sale over to the following day with the resultant deterioration of some of the perishable commodities. The witness estimated the population of Westwood to vary from 5000 to 6000, according to the seasonal and business conditions. Practically all produce is shipped in for the use of the community. This witness was of the opinion that the rates proposed for the transportation of produce from Red Bluff to Westwood were satisfactory, but as to other rates, particularly for bulk commodities which might move between Westwood and Susanville, or Keddie, Crescent Mills and Westwood, the rate was higher than now available under other methods of transportation available on a contract basis.

J. S. Ginocchio, a partner in the firm of Smith, Balmain and Ginocchio, operating auto truck service under the fictitious name of Nevada California Transportation Company between Westwood and the Nevada-California State Line near Doyle under the authority of this Commission, testified his partnership was now operating four trucks and were able to handle all freight offering at Westwood destined to Susanville, or for any other point on their route between Westwood and the State Line; that all shippers offering freight had been served, none having been refused; and that the partnership was prepared to increase its facilities if the demands of traffic so required.

From the record herein applicant has not made the affirmative showing in support of its application which is necessary to justify the Commission finding that public convenience and necessity require the establishment of the proposed service.

Applicant already possesses operative rights for the transportation of property as follows:

- (1) Express between Susanville and Doyle including the intermediate points of Westwood, Johnstonville, Janesville, Buntingville and Milford.
- (2) Express between Red Bluff and Westwood including the intermediate points of Chester, Mineral and Payne's Creek.
- (3) Express between Chico and Jonesville, including the intermediate points of Forest Ranch, Berdans, West Branch, Lomo and Butte Meadows.
- (4) Express between Westwood and Keddie, including the intermediate points of Canyon Dam, Forest Camp, Prattville, Almanor Inn, Greenville and Crescent Mills.
- (5) Express between Mineral to Lake Helen and Manzanita, including the intermediate points of Juniper Lake, Lee's Camp, Kelley's Camp, Drakesbad and Susan.
- (6) Freight between Keddie and Drakesbad, including the intermediate points of Crescent Mills, Greenville, Forest Camp, Canyon Dam, Prattville, Almanor Inn and Chester.
- (7) Freight between Mineral and Lake Helen, including the intermediate points of Viola, Manzanita Lake and Summit Lake.

Between Westwood and Susanville the service proposed is in direct competition with the authorized service of the co-partnership of Smith, Balmain and Ginocchio, operating under the fictitious name of Nevada California Transportation Company. The rate proposed by applicant between these points is 40 cents per CWT., the existing rate of the authorized carrier being 42 cents per CWT. In view of the volume of traffic available between these points and the testimony of Mr. T. S. Walker, one of applicant's witnesses that all the freight originating at Westwood for Susanville could be handled by the present authorized truck service, and of the offer of the authorized carrier to supply all equipment and service to meet the traffic demands, we are of the opinion that the slightly lower rate as offered by applicant between these points does not justify the authorization of an additional service.

After full consideration of all the evidence in this proceeding, we are of the opinion and hereby find as a fact that public convenience and necessity do not require the establishment of the motor freight service as herein proposed by applicant and, therefore, the application will be denied.

#### O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted, the Commission being now fully advised and basing its order on the finding of fact as set forth in the opinion which precedes this order,

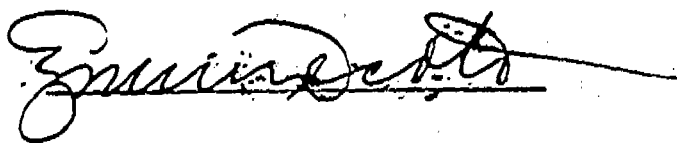
THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity do not require the establishment by Mt. Lassen Transit Company, a corporation, of an automobile truck service as a common carrier of freight over all said applicant's routes in the Counties of Tehama, Butte, Plumas

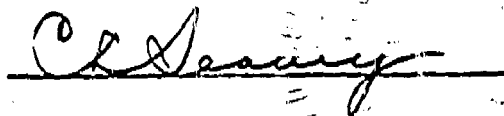
and Lassen which routes are now served by applicant in the carriage of passengers and express, and

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

The effective date of this order is hereby fixed as twenty (20) days from the date hereof.

Dated at San Francisco, California, this 7<sup>th</sup> day of April, 1927.





  
COMMISSIONERS.