



said application and to use the equipment described in paragraph 4 of said application.

David E. Covey appeared in opposition to the granting of said application.

Applicant relies, as sole justification for his proposed additional service, upon the alleged ground that the protestant, David E. Covey, the present authorized carrier of passengers and freight between the points proposed to be served, has not maintained a regular service. Applicant offered at the hearing little or no evidence to justify the granting of his additional proposed service.

The record shows that applicant succeeded David E. Covey, protestant, as the Star Route mail carrier over this route on July 1, 1926, and has continued to carry U. S. mail ever since that date.

The territory proposed to be served is largely mountainous, sparsely settled, and the residents are mainly farmers engaged in dairying and agricultural pursuits.

Applicant testified in his own behalf and called five other witnesses in support of his application. Most of these witnesses have been for a long time and now are patrons of the authorized service of protestant. It appears that the protestant's service was entirely satisfactory to a majority of applicant's witnesses until he decreased his service between Whitmore and Fern around the so-called loop over the proposed route from a daily schedule to two trips weekly during the winter period between November 15th and April 15th.

The evidence shows that on three or four occasions several cans of cream were not picked up by the protestant when they were left at the road-side near Fern and Whitmore

during the winter months of December, 1926, and January, 1927, and were taken back to the farms of the shippers and transported a day or two later to Redding either by the protestant's truck or by Parcel Post. It does not clearly appear whether the protestant or shippers were at fault for these delayed cream shipments for the reason that these particular shippers were either not familiar with the reduced winter schedule of Covey or had carried the cream away from the Highway before the stage had passed. The record shows that these few delayed cream shipments and the reduced winter schedule were the only complaints made against the service of the authorized carrier by applicant's witnesses. All of the applicant's witnesses admitted that his service had been satisfactory in all other respects.

No evidence was offered by applicant in criticism of the passenger service of protestant, save and except as to one occasion in December, 1926, when a passenger had waited near Whitmore for about two hours and had finally secured a private conveyance to Redding. The record indicates, however, that this patron was not familiar with the time schedule of protestant and had left the road-side before the arrival of the stage.

D. E. Covey, protestant, called several witnesses, all of whom testified that the existing authorized service has always been entirely satisfactory. One of these witnesses is the largest shipper on the route, operating a large farm of 160 acres near Fern, and his testimony shows that he has for several years made constant shipments of cream, vegetables and fruit and dressed meats to Redding over the line of protestant and at all times he stated the service has been entirely satisfactory. It further appears that the reduced winter schedule of protestant, effective January 15, 1927, has been satisfactory and was put into effect

only after most of the patrons of protestant had indicated their consent to such a reduced winter schedule. The record further shows, without contradiction, that the protestant has about <sup>regular</sup> thirty/patrons, most of whom are farmers owning and operating farms on or adjacent to the Highway, and all of them, the record indicates, are entirely satisfied with existing service. Protestant also offered evidence to the effect that in the winter time the roads are in bad condition and at times almost impassable from heavy rains and snow, compelling the use of horses and wagons. It was shown that the winter of 1926-27 was particularly a severe one, but in spite of this fact protestant had failed only on two occasions to maintain his regular schedule, one being when a truck broke down and another as the result of illness.

At the close of the testimony introduced by applicant, protestant moved that the application be dismissed on the ground that the evidence presented by applicant was wholly insufficient to justify the authorization of the proposed additional service which service would be a duplication of the authorized service of protestant.

The Commission is convinced, after a careful consideration of the evidence offered by applicant, that the motion should be granted and that the application should be dismissed.

#### O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been submitted and being now ready for decision, and it appearing to the Commission

that the evidence offered by applicant is insufficient to justify the proposed additional service, and good cause appearing therefor,

IT IS HEREBY ORDERED that said application be and the same is hereby dismissed.

Dated at San Francisco, California, this 8<sup>th</sup> day of July, 1927.

*E. M. ...*

*A. ...*

*W. ...*  
Commissioners.