

A public hearing on this application was held before Examiner Gannon at Fresno, at which time the matter was submitted and is now ready for decision.

The only witness testifying at this proceeding, in support of the application, was the applicant himself. His testimony was to the effect that there is now available a considerable tonnage of freight for which there exists no present adequate truck service and that diligent inquiry among shippers at the points proposed to be served convinced him that he would receive for transportation not less than 300 tons of freight per month. Applicant is at present rendering a contract service between Fresno and Porterville and intermediate points serving three shippers and hauling chiefly groceries. He testified that other merchants had agreed to furnish him some tonnage in the event that his operations became those of a common carrier. As to his present service his testimony showed that he had been operating for two months at a cost of 8 cents per mile.

The District Manager of the San Joaquin Valley Transportation Company appeared at the hearing to protest the granting of the application and testified that the business of all regular carriers in this field was being seriously affected by reason of the fact that various wholesale grocers had adopted the practice of delivering goods to their customers and making a charge for such delivery, either directly or by absorption of all or a portion of the charge. Such operations are carried on by means of leased trucks and within a radius of 75 miles. The witness testified that already five

of the largest wholesale grocery houses had contracted with independent carriers at a rate so low as to deprive the regular carriers of this class of tonnage.

The freight solicitor for the above transportation company testified that he was in close touch with the shippers in this territory and that the company was in a position to maintain adequate and prompt service. The evidence shows that the San Joaquin Valley Transportation Company has for five years last past rendered daily service to the various towns and cities involved in this application, maintaining agencies at all points, save Farmersville, and that two railroad lines traversed and served the territory. The travelling freight agent of the motor transportation line testified that complaints were infrequent and that the territory was amply served.

After a careful review of all the evidence in this proceeding, we are of the opinion and hereby find as a fact that applicant has presented no evidence to justify the authorization of his proposed freight service and that public convenience and necessity do not require the establishment of such service. The present service appears to be adequate to care for all reasonable demands of the public and the granting of this application would constitute a duplication of facilities that is wholly unwarranted.

O R D E R

A public hearing having been held in the above entitled application, the matter having been submitted, the Commission being now fully advised, and basing its order on

the findings of fact set forth in the preceding opinion;

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity do not require the operation by E. E. Sparks, doing business under the firm name of E. E. Sparks Transportation Company, of an automobile truck line for the transportation of freight between Fresno and Porterville and intermediate points, and

IT IS HEREBY ORDERED that the application of said E. E. Sparks be and the same is hereby denied.

Dated at San Francisco, California, this 5th day of August, 1927.

Leon Whitwell
John B. Rauter
M. A. Carr
Commissioners.