

Decision No. 14230.**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SAN DIEGO ELECTRIC RAILWAY COMPANY,)
 a corporation, for certificate of)
 public convenience and necessity to)
 operate Lloyd's El Cajon Stage Line,)
 as a common carrier of persons and)
 property, between the City of San)
 Diego and the Town of El Cajon, in)
 the County of San Diego, State of)
 California.)

Application No. 14230.

Morrison, Hohfeld, Foerster, Shuman &
 Clark, by Forrest A. Cobb, for applicant.

BY THE COMMISSION:

O P I N I O N

The applicant is a public utility organized under the laws of the State of California, with headquarters in San Diego. By this proceeding it is seeking a certificate of public convenience and necessity to operate a passenger and express service between San Diego and El Cajon and the intermediate points, and also to make certain readjustments in passenger fares bringing about both reductions and increases.

A public hearing was held at San Diego before Examiner Geary December 14, 1927, and the proceeding is now ready for our opinion and order.

The rights under which operations are now performed were granted in Application No. 13832 by Decision No. 18521, dated June 15, 1927, being a transfer of the common carrier service formerly performed under the fictitious name of Lloyd's El

Cajon Stage Line. The common carrier operations were originally established by J. P. Lloyd prior to May 1, 1917, and were transferred to Hubert A. Adams by authority of Application No. 7328, Decision No. 9762, November 17, 1921, and, as heretofore stated, these rights were transferred from Adams to this applicant June 15, 1927. The application and the record clearly show that the predecessor of this applicant transported express packages continuously since 1917, but through some misunderstanding of the law or otherwise no tariff was ever filed with this Commission covering the express common carrier service. The express package rates maintained in the past were as follows:

For 30 pounds or less, 25 cents.
For 30 pounds and less than 75 pounds, 50 cents.
For packages over 75 pounds but not exceeding
150 pounds, 75 cents.

Applicant proposes to continue this service but to limit the weight of packages to 125 pounds and move all shipments on the regular passenger busses. All of the interested freight carriers in any way competitive with this applicant, namely, San Diego and Arizona Railway Company, Oppenheimer Truck Line, and Pennoyer's Descanso and Alpine Stage Line, have in writing declared that they have no objection to the express service being continued under proper tariffs.

The proposed passenger fares bring about decreases at 31 points and increases at 2 points. Under the present tariff the fares are published as applying between La Mesa, Grossmont and El Cajon only, although the title page of the tariff reads between San Diego and El Cajon and intermediate points. Therefore the fare schedule of the tariff not corresponding to the title page would not technically permit applicant to serve intermediate points, although in actual practice service has been rendered at the intermediate points during the past eleven years by the former owners, by assessing the fare published to the

more distant points. As illustrative of this situation, the present fare from San Diego to Seminole Drive is 35 cents, being the published fare San Diego to La Mesa. The proposed fares will be measured according to distance, thus creating a fare to Seminole Drive of 20 cents. The same is true of all other points where no specific fares are published. In addition to reducing the fares on the bus line proper, applicant proposes to give transfers to and from the San Diego Electric Railway. The only fares to be increased are from Lookout Avenue to Grossmont, from 5 to 10 cents, and from Lookout Avenue to El Cajon, from 15 to 20 cents, these adjustments being necessary in order to prevent a combination of local fares lower than the published through fare. The record shows that there is practically no movement between the points where the increases will be made.

The passenger fares and the express service and rates have the endorsement of the Board of Supervisors of the County of San Diego, the Common Councils of the Cities of San Diego and El Cajon, the Board of Trustees of the City of La Mesa, and the Chambers of Commerce of the Cities of San Diego and La Mesa.

There were no appearances in opposition to the application.

The proposed passenger fares and express rates are set forth in the application and exhibits attached thereto and made a part of this proceeding.

It is shown that since the operations were taken over by this applicant, the number of passenger schedules has been increased and the service greatly improved.

We are of the opinion and find that there is a public convenience and necessity for the proposed passenger and express package service, and that this applicant should be given a certificate of public convenience and necessity to operate an automobile stage service between San Diego and El Cajon and all

intermediate points via the route traveled.

We further find that applicant should be authorized to put into effect by proper tariff publication the proposed passenger fares as set forth in the application and the exhibits attached thereto.

O R D E R

The San Diego Electric Railway Company, a corporation, having made application to the Railroad Commission for a certificate of public convenience and necessity to operate automobile passenger and express service between San Diego and El Cajon and the intermediate points, 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 require the operation by applicant, San Diego Electric Railway Company, of an automobile service as proposed herein, for the transportation of passengers and express between San Diego and El Cajon and all intermediate points.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such service be and the same is hereby granted to said applicant, San Diego Electric Railway Company, subject to the following conditions:

1. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.
2. Applicant shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof, tariff of rates and time schedules, such tariffs of rates and time schedules to be those attached to the application herein, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed twenty (20) days from the date hereof.

3. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
4. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that applicant be authorized to increase the passenger fare from Lookout Avenue to Grossmont from 5 to 10 cents, and between Lookout Avenue and El Cajon from 15 cents to 20 cents, and make other adjustments bringing about reductions as set forth in the application and the exhibits attached thereto.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 3rd day
January
of ~~December~~, 1928.

Frank J. ...
Al Seavey
Leon Whitehill
Thos. J. ...
M. J. ...
Commissioners.