

Decision No. 19692

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
WILMINGTON TRANSFER & STORAGE CO., INC., )  
for a certificate of public convenience )  
and necessity to operate freight truck )  
transportation service between Los )  
Angeles Harbor District, viz: Wilming- )  
ton, San Pedro, E. San Pedro and Terminal )  
Island, on the one hand, and Los Angeles )  
proper and various other points as desig- )  
nated in Routes No. 1 to 6 of Amended )  
Exhibit "A" attached hereto and made a )  
part of this application, on the other )  
hand. )

APPLICATION  
No. 10858  
(Supplementary)

Henry E. Carter, for Applicant.

S. B. Cowan, for Triangle-Orange  
County Express, Rice Transporta-  
tion Company and Donovan Transfer,  
Protestants.

Phil Jacobson, for Los Angeles & San  
Pedro Transportation Company and  
Keystone Express, Protestants.

BY THE COMMISSION:

O P I N I O N

Applicant herein, by this supplementary application, seeks to modify by enlargement the order upon the original application in Decision No. 18150 of this Commission dated March 31, 1927. The supplementary application asks the removal of restrictions put upon routes 3, 4 and 5, and to permit service on these and other routes in either direction in

quantities of three tons or more. At the hearing the application was amended by reducing the minimum quantity from three tons or over to 1,000 pounds or over, and the amendment was permitted.

Public hearings herein were conducted by Examiner Williams at Los Angeles.

Applicant herein conducts a warehouse at Wilmington, Los Angeles Harbor, and has been conducting in connection therewith a trucking and transfer business for many years. In the hearing on the original application, all the facts with reference to its prescriptive rights were heard, and the Commission in the order determined the scope of operation applicant would be permitted to continue as a public carrier because of public necessity therefor. Applicant now seeks to include in its operations many of the commodities and kinds of service that were excluded in the original order or were made subject to weight or other restrictions. Applicant is now authorized to transfer oils, acetylene and oxygen gas, vegetable oils, laundry supplies and machinery from Los Angeles Harbor (including Wilmington, San Pedro, East San Pedro, Terminal and Mormon) over all of the routes applied for, six in number. The routes lead to Los Angeles, Long Beach, Compton, Downey, Clearwater, Puente, Pomona and Ontario and directly intermediate points; to Seal Beach, Sunset Beach, Huntington Beach, Newport Beach, Balboa Beach, Santa Ana, Orange, Anaheim and Fullerton and intermediate points; to Watts, Glendale, Pasadena, Alhambra, El Monte, Sierra Madre, Monrovia, Azusa, Glendora, Covina and intermediates; and also to Lomita, Torrance, Hawthorne, Hermosa, Redondo, El Segundo, Inglewood, Venice, Ocean Park

and directly intermediate points. It was also given the right to transfer machinery, construction steel, cement, sand, rock, lumber and incidentals to be used on harbor construction work, from points designated to Los Angeles Harbor. On routes 3, 4, 5 and 6, which were routes not to Los Angeles or Long Beach, it was restricted to three tons minimum with no limit as to the return of empty containers; that loads for points on routes 3, 4 and 5 must originate at Los Angeles Harbor and have no return shipments except empty containers; that shipments may move in both directions on routes 1, 2 and 6, except from point to point within a route, or from a point within one route to a point within another route. The effect of the present application is to enlarge these rights and leave the applicant at liberty to transport any quantities of 1,000 pounds or more over all routes in either direction without regard to point of origin or destination.

Applicant, through its President and General Manager, J. P. Puckett, urged the granting of the application, upon the ground that the volume of traffic at the Harbor had doubled in the three years previous to the hearing, and that greater demands were being made upon applicant in the matter of truck transportation than the limitations of the certificate permitted applicant to handle; that many of the shipments tendered are less than three tons in weight and move to destinations which it is not now permitted to serve; that applicant finds, at many places where it is authorized to serve in one direction only, available return tonnage. Mr. Puckett testified that all quantities less than three tons that had been tendered to this applicant for transportation

or delivered to its warehouse for distribution have been shipped over the lines of existing carriers either directly or by transfer, but that this method was not as prompt as the shipper and consignee desired; that it involved transfers at Los Angeles and other impediments to direct transportation. Mr. Puckett testified that he had been offered return hauls at Monrovia, Pomona, Santa Ana, Venice and Azusa; that he had a demand from Monrovia and Azusa to transport fertilizer in large quantities, for which he now has no authority or rates.

In support of the testimony of Mr. Puckett, applicant submitted a group of letters from its files from shippers to Los Angeles Harbor from points outside the city of Los Angeles, in which request was made generally for rates for distribution (indefinitely in most cases) to Southern California points. The writers of these letters were shippers who wish to store commodities with applicant and have them distributed according to their instructions from time to time. Many of these letters were inquiries as to how distribution could be made, and others were inquiries for particular rates for their own commodities. These letters (Exhibit No. 1) are not satisfactory evidence of a demand on the part of the public that the service of the particular applicant was required to make a distribution. They are evidence only that there is a moderate volume stored with applicant which might move to various points from time to time.

Exhibit No. 2 filed by applicant shows that during the six months preceding the hearings, applicant delivered to other truck companies, at their terminals or warehouses, shipments to thirteen different carriers, and also delivered to carriers at the warehouse of applicant shipments to twenty-five

carriers. This exhibit was cited as evidence that all the movements for which these transfers had been made could be made by applicant if it were not restricted from hauling the commodities involved or was not restricted from hauling the quantities to the destinations sought.

Exhibit No. 3 is a list of the commodities which applicant has stored in bulk for distribution, comprising about sixty classes of merchandise.

Another exhibit (No. 4) showed that applicant at the time of filing the original application occupied but 17,280 square feet, while at the time of the hearing, it has increased to 77,425 square feet. Also its equipment had increased during the same period from ten to fifteen pieces, with an outstanding indebtedness of only \$2,500.00.

Exhibit No. 5 listed the transportation companies between Los Angeles Harbor and Los Angeles, showing thirty-two truck operators and four rail services.

Exhibit No. 6 was a resolution by the Wilmington Chamber of Commerce urging the granting of the certificate applied for.

R. K. Dickinson, from Santa Ana, proprietor of a transfer and storage business, testified that he would act as distributing agent for the applicant at Santa Ana. He further testified that he would do this in order to get revenue, as the lines now serving Santa Ana and Orange County—Triangle-Orange County Express and Richard Trucking & Warehouse Company—make their own deliveries, and he received no business from them. The witness, on cross-examination, admitted that the Triangle-Orange County Express service was very good.

Fred A. Simons, a solicitor for applicant, testified that he had received complaints from the Metropolitan Chain Store at Whittier, of delay and too much damage and tardy adjustment of complaints from existing carriers, and also that he had received a similar complaint from a customer at Venice, but did not remember what carrier was complained of. This witness testified further that many of the businesses he called upon urged a direct distribution by applicant from the harbor.

On behalf of protestants, Conrad Schweitzer, traffic manager of the Los Angeles & San Pedro Transportation Company, testified this company now has seventy-five pieces of equipment in service in transporting property from Los Angeles Harbor points to Los Angeles; that it connects with and distributes to all the interurban carriers out of Los Angeles, and that the connection permits second-day delivery. There are also joint rates through from the Harbor over many of the larger lines radiating from Los Angeles to Southern California points.

J. R. Zimmerman, President of City Transfer & Storage Company of Long Beach, testified that the protestant maintains two daily services between Long Beach and the Harbor, and has seventy-three pieces of equipment available, a part of which is available at Harbor points at all times. He testified that this protestant has been able to handle as high as 200 tons daily, and that service is available on less than one hour's notice. This applicant serves also Downey, Compton and other points.

S. B. Cowan, testifying in his own behalf, stated that he had a direct service from the Harbor to Orange County points and Santa Monica Bay points, with daily service.

We have given careful consideration to the record as presented by applicant under its supplementary application, and find therefrom that applicant has not produced affirmative testimony that there is a public need for the service it seeks to establish. Outside of applicant itself, and its correspondence, no witness was produced to show that the service is required. The Commission has repeatedly held that the desire of an applicant, unsupported by other testimony, is not affirmative of public need, unless there is no existing method, which is not the case herein. With the abundance of trucking service between the Harbor and Los Angeles, and the many, well-established truck lines from Los Angeles to all points in Southern California, and an utter absence of showing of their inadequacy or inefficiency, we cannot find reason to modify the order originally made in Decision 18150. An order of denial will be entered accordingly.

#### ORDER

Wilmington Transfer & Storage Co., Inc., having made application to the Railroad Commission for a certificate of public convenience and necessity to operate freight truck transportation service between Los Angeles Harbor District and various points in Southern California, public hearings 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 do not require the service proposed by applicant herein, and

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

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

Dated at San Francisco, California, this 2<sup>d</sup> day  
of May, 1928.

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*C. Diary*

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*Thos. Powell*

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*M. J. C.*

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Commissioners