

Decision No. 20130

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of E. E. PHOENIX, doing business
under the name of OIL FIELDS
TRUCKING COMPANY, for certificate
of public convenience and neces-
sity authorizing the operation of
an auto truck freight service be-
tween Los Angeles, Torrance, Los
Angeles Harbor District and Taft,
Bakersfield, and the West Side Oil
Fields, and other designated points.)

APPLICATION NO. 12268.

ORIGINAL

Hugh Gordon, for Applicant.

G. M. Duntley, for Los Angeles-Westside Trans-
portation Company, Los Angeles & Bakersfield
Fast Freight, Los Angeles & Santa Barbara Trans-
portation Company, Protestants.

F. H. Asbury, for Asbury Truck Company, Pro-
testant.

D. W. Layne, for Pacific Electric Railway Com-
pany, Protestant.

W. W. Pope, for Southern Pacific Company, Pro-
testant.

BY THE COMMISSION:

O P I N I O N

Applicant herein seeks a certificate of public convenience
and necessity to operate a truck service for the transportation of
property between Los Angeles and various oil fields at Los Angeles
harbor and many other designated points in Southern California and
the San Joaquin Valley and over twenty-three different routes, con-
necting up practically all of the oil fields in Southern California
and the San Joaquin Valley.

A public hearing herein was conducted by Examiner Williams at Los Angeles.

Applicant's counsel preceded the hearing with a statement that applicant herein had filed his application prior to the decision of the United States Supreme Court in Frost vs. Railroad Commission, infra, and the purpose of the hearing was to determine whether applicant, in view of that decision, required a certificate of public convenience and necessity for the conduct of his business.

No witness was introduced at the hearing except the applicant himself, and his testimony was to the effect that he began the contract trucking business in 1917 and had continued in that business ever since, except for a slight interruption during the war period; that his business is transporting oil well supplies and heavy machinery from point to point under private arrangement with various oil companies, and that 95% of this business is the transportation of oil well casing, equipment and supplies; that a few times he has transported furniture or groceries when oil camps were moving from point to point, or when new camps were being established and subsistence was required; that he had never operated on a time schedule and has never had a regular rate, and that the rates proposed in the application are about \$4.00 a ton higher than his past rates for long hauls and are not the average rates now charged by him for his services to the oil industry; that he has never advertised for business, but has conducted it upon private agreements with various companies; that he has never held himself out to haul for the public; that he desires to continue the business in truck lots only, and that he is unable to state what routes or termini he will use. On cross-examination, which was brief, he testified that he had

never had a written contract, but had depended upon exchange of letters or upon verbal arrangements.

Applicant stated that he has twelve trucks and six trailers which are used in his business. He further testified that his contractual relations were with the Oil Well Supply Company, Honolulu Oil Company, North American Oil Company, Taft Supply Company, Petroleum Supply Company, Richfield Oil Company, Shell Oil Company and Standard Oil Company, and that he was used by each at infrequent periods after bidding upon work to be transported for each of them between their various activities. He also testified that he is hauling oil and gasoline from Lebec for the General Petroleum Corporation by contract. He further testified that it is infrequent that the movements are between fixed termini or over a regular route; that all the business acquired by him was from selected customers with whom he made arrangements as to price and quantity and submitted bids thereon, and that except in rate cases, the employer was both consignor and consignee.

The application was submitted on applicant's testimony frankly upon the desire for a decision by this Commission as to whether such an operation comes within the jurisdiction of this Commission. Upon the testimony of the applicant as to the nature of his business, it appears that the business conducted by him is not one between fixed termini or over a regular route. The application herein should therefore be dismissed for want of jurisdiction.

O R D E R

E.E. Phoenix having made application to the Railroad Commission for a certificate of public convenience and necessity to operate auto truck freight service between Los Angeles, Torrance, Los Angeles Harbor district and Taft, Bakersfield and the West Side oil fields and other designated points, a public hearing having been held and the matter having been duly submitted and now being ready for decision,

IT IS HEREBY ORDERED that the application herein be and the same hereby is dismissed for want of jurisdiction.

The effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 17th
day of August, 1928.

Leon Whitall

Al. Sawyer

Frank Howard

M. A. Lee

COMMISSIONERS.

ORIGINAL

Decision No. 20131

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
W.S. Meyers for authorization for
an increase in rates.

Application No. 14673.

BY THE COMMISSION:

ORDER OF DISMISSAL

Applicant herein having made written request for a
dismissal of the above entitled matter,

IT IS HEREBY ORDERED that the above proceeding be
and it is hereby dismissed without prejudice.

Dated at San Francisco, California, this 17th
day of August, 1928.

C. Seaver

W. S. ...

W. S. ...

Commissioners.