

Decision No. 21182

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of

A. W. PURDY,

operating freight truck transportation service between Los Angeles, La Habra, Brea and Fullerton, California, for a supplemental order in Application No. 9664, Decision No. 14818, removing the restriction against handling single package or articles weighing in excess of 200 pounds.

Application No. 9664
(Supplemental)

Hardy, Elliott and Aberle, by Fred Aberle, Jr.,
for Applicant.

Phil Jacobson, for Triangle Express and Richards
Trucking & Warehouse Company, Protestants.

BY THE COMMISSION:

O P I N I O N

By supplementary application herein, A. W. Purdy, operating under the fictitious name of Purdy's Express, between La Habra, Brea and Fullerton and Los Angeles, seeks removal of a restriction limiting the weight of the commodities he may transport to 200 pounds per package, as provided by Decision No. 14818 on the original application and as amended by Decision No. 20538 correcting the original order by substituting the word "package" for "consignment."

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

In effect, granting of the supplementary application as asked will permit applicant to operate without any limit as to weight. This, too, was the attitude of applicant at the hearing. Removal of the 200-pound package limit, without restriction, would add a third general carrier to the points served, which the record herein does not justify. Applicant produced ten consignees in the points served (none from Los Angeles) in his behalf, and six testified applicant had been, for some time before the hearing, transporting packages from Los Angeles in excess of his limitation, with a maximum of 600 pounds. Applicant confirmed all this by his own testimony. Yet, in his verified application, Purdy alleges "the restriction against hauling packages or articles weighing in excess of 200 pounds has been strictly complied with."

By the order in Decision No. 14818 herein applicant was forbidden (Condition No.1) to establish any terminal, his business being wholly a messenger service for the convenience of merchants in the points other than Los Angeles, and not a new general trucking service. The testimony of applicant shows that he, for some time, has maintained a terminal at 764 Crocker Street, Los Angeles, and before, at 536 Ceres Street. His service, by his own presentment, originally was to be exclusively between consignees and consignors-- a buying service for merchants, and was specifically defined as such. Applicant, at the hearings herein, declared he did not know he was forbidden to establish terminals. At the last moment applicant sought to amend his application by adding a request to establish terminals. The amendment, while received, is not supported by the proof. It was merely an afterthought.

While the evidence shows that an increased weight limit would be a convenience to some shippers, applicant's showing that this attitude is based, to a large extent, on overweight shipments previously transported by him without authority removes its value. Applicant has not conducted his service within the plain limits of

his original certificate, and is in no position to seek enlargement of his rights. An order denying his application will be entered.

O R D E R

A. W. PURDY, applicant herein, having made application to be relieved of a restriction of 200-pounds weight limit on packages transported by him under authority of Decision No. 14818, as amended by Decision No. 20538; a public hearing having been held, the matter having been duly submitted and now being ready for decision,

IT IS HEREBY ORDERED that the application herein, supplementary to Application No. 9664, be, and the same hereby is, denied.

IT IS FURTHER ORDERED that the provisions contained in Decisions Nos. 14818 and 20538 on application herein remain in full force and effect, and applicant is hereby ordered to restore his operation to the limitation therein provided.

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 4th day of

June, 1929.

Thos D. Lattin

C. J. Seaver

Frank J. ...

W. J. ...
Commissioners.