

Decision No. 22092.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
LEWIS A. MONROE, as JOINT AGENT,  
for an order granting permission to  
establish through joint class and  
commodity rates between certain points  
served by the Motor Freight Terminal  
Company and the Valley & Coast Transit  
Company.

ORIGINAL

Application No. 16046.

Lewis A. Monroe and E. L. McConnell, for  
applicants.  
Edward Stern, for Railway Express Agency, Inc.,  
protestant.  
W. S. Johnson, for Southern Pacific Company,  
protestant, and for Pacific Electric Motor  
Transport Company, interested party.

BY THE COMMISSION:

O P I N I O N

This is an application filed by Lewis A. Monroe, Agent on behalf of the Motor Freight Terminal Company and the Valley & Coast Transit Company (hereinafter referred to as the Motor Line and the Valley Line), seeking authority to publish joint freight rates between Los Angeles, Ventura and Santa Barbara, points on the Motor Line, on the one hand, and San Luis Obispo, San Miguel, San Simeon, Parris, Lompoc and the intermediate points on the Valley Line, on the other hand.

The Southern Pacific Company and the Railway Express Agency intervened in opposition but presented no testimony.

The proposed rates will be, for less than truck loads

90% of the local rates of each line, and for truck loads the present 6-ton rate of the Motor Line plus 80% of the present local rate of the Valley Line. The transfer of freight to and from Lompoc will be made at Harris and to and from the other points at San Luis Obispo. Both of the applicants are certified common carriers, the Motor Line performing a service between Los Angeles and San Luis Obispo, the Valley Line operating from San Luis Obispo to San Simeon via one route and from San Luis Obispo to San Miguel via another, also between Harris and Lompoc.

A public hearing was held before Examiner Geary at Los Angeles on January 17, 1930, and the proceeding having been submitted is now ready for our opinion and order.

Applicants' testimony consisted mainly of an analysis of the proposed rates and a showing that the total through freight handled during the months of September, October, November and December, 1929, weighed 268,037 pounds. It is claimed that under a joint tariff and a uniform classification the shipping public could more easily ascertain the through charges as compared with the present practice of a combination of the local rates, which are sometimes difficult to secure by the shippers. Applicants claim that the proposed reductions in rates would stimulate the freight movement by truck and particularly increase the south-bound tonnage, which at the present time is much smaller than the north-bound, a situation making necessary the return of the trucks south bound, either empty or only partially loaded.

One witness residing at Atascadero testifying for the applicants claimed there was a public convenience and necessity for the joint through rates, and that because of a faster and better service rendered by the trucks than is now obtainable

from either the Southern Pacific Company or the Railway Express Agency, they are being freely used.

There is now pending before the Commission and set for hearing at Lompoc February 11, 1930, Application No. 15926 of the Motor Line for a certificate of public convenience and necessity to serve Lompoc via Buellton and Las Cruces, therefore if such authority is finally granted no necessity would exist for the joint rates to Lompoc over the circuitous route through Harris. The burden of proof, if an applicant seeks an order declaring that there is a public convenience and necessity for the establishment of a through route and joint rates, is upon the petitioner and he must show affirmatively that the necessity exists. The required proof has not been furnished.

We find as a fact from the record herein that public convenience does not require the joint rates and through route between the points involved. The application will be denied.

O R D E R

A public hearing having been held in the above entitled application, testimony submitted and the Commission being fully advised,

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

Dated at San Francisco, California, this 5th day of February, 1930.

Clarence  
Green  
David L. Lewis

Commissioners.