

Decision No. 23370

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of U. G. SMITH and I. S. NEWLAN, co-partners, doing business under the firm name and style of SMITH AUTOMOBILE COMPANY, for a certificate of public convenience and necessity, to operate a freight service between Silver Lake, Mono County, and Levining, Mono County, California, as an extension to the present service now rendered by these applicants under authority and by permission of the Railroad Commission of the State of California, between Bishop, Inyo County, California, and Mammoth, Mono County, to Silver Lake, Mono County, as evidenced by its Decision 17981, in regard to Application No. 13516.

Application No. 16652.

Harvey W. Guthrie for Applicant,

L. B. Larson and Guy S. Alexander for High Sierra Transport Co., Protestants.

BY THE COMMISSION:

O P I N I O N

U. G. Smith and I. S. Newlan, co-partners, doing business under the firm name and style of Smith Automobile Company, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile service as a common carrier of freight between Silver Lake, Mono County, and Levining, Mono County, California, as an extension of their present service between

Bishop, Inyo County, and Carson's Camp on Silver Lake, Mono County, California.

Public hearings on this application were conducted by Examiner Satterwhite at Bishop, the matter was submitted, and is now ready for decision.

Applicant proposes to charge rates and to operate under a time schedule in accordance with Exhibits "A" and "B" attached to said application, and to use the equipment described in Exhibit "C."

Alexander & Larsen, operating under the fictitious name of High Sierra Transport Company, protested the granting of the proposed extended service.

The proposed service sought by applicant would extend for a distance of fourteen miles through mountain territory from Carson's Camp on Silver Lake to Levining, a small business center near the western shore of Mono Lake, and, if authorized, would parallel the existing truck service of protestants for that distance along the same highway.

The record shows that the present authorized service of applicant and protestants parallel and compete with each other at the present time from Bishop to Carson's Camp on Silver Lake, the northern terminal of applicant. The northern terminal of protestants is about twenty-five miles farther north at Mono Inn on Mono Lake.

Applicant operates only a tri-weekly service and the protestants operate a daily service both under a seasonal operation between May 15th and November 15th of each year. The territory served by each of these certificated operators traverses a mountainous district containing many

lakes of varying sizes upon which are located summer resorts and camps.

Applicant introduced little or no testimony to justify the authorization of the desired extension and, in fact, admitted during the hearing that the volume of freight now transported in either direction to points along the fourteen mile extension sought was comparatively small in volume and did not require the service of two truck lines. Several witnesses for applicant, some of whom conduct summer resorts at June Lake and Silver Lake, now served by both operators, testified to the effect that it would be very convenient for them to have two truck lines operating to Levining for the reason that they could have more frequent service and avoid occasional delays in shipments of supplies if applicant were permitted to compete with the protestants's service to Levining. It appears, however, that most of these witnesses have had but few and infrequent shipments from or to Levining or way-points, north of Carson's Camp, and one or two others desired the additional service for occasional emergency shipments of food supplies from Levining during the busy summer season. One resort owner complained that the protestants had permitted on one occasion a certain shipment of fresh trout to spoil by delayed delivery, but in this connection it was clearly shown by protestants that the fish were not properly wrapped or cared for by the shipper and that moreover numerous shipments of fresh fish had been transported promptly and successfully by protestants throughout the summer season by this same shipper.

Another resort operator at June Lake complained that protestants had delayed in making prompt payments of certain c.o.d. shipments, but the record also shows by the testimony of many other witnesses that the protestants have always

rendered a satisfactory service in connection with c.o.d. shipments and have always made payment of these shipments with reasonable promptness.

Bishop is located in the northern part of Owens Valley and is a buying and distributing center for all the points and resorts as far north as Mono Lake.

The protestants called a considerable number of merchants, business men and shippers doing business at Bishop and other points, who testified at the hearing in behalf of the protestants, to the effect that they had frequently used the truck service of the protestants to Levining and other points along the entire route for several years past and that the service had always been satisfactory, both in small and large shipments of all kinds of goods, wares and merchandise. Two of the largest shippers of freight operating respectively a resort at Mono Lake, and a large ranch and service station at Farrington north of Silver Lake, testified that each of them had used the service of protestants for several years and had always received a very satisfactory service and that there was no need for additional truck service, as proposed.

After a careful consideration of all the evidence in this proceeding, we are of the opinion and hereby find as a fact that public convenience and necessity do not require the proposed extended service of applicant, and that the application should be denied.

O R D E R

Public hearings having been held in the above entitled proceeding, the matter having been duly submitted, and being now ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that the above application be and the same
is hereby denied.

Dated at San Francisco, California, this 9th day
of February, 1931.

C. L. ...

W. J. ...

W. B. ...

...
Commissioners.