

Decision No. 23746

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 P. D. JOHNSON for a certificate of  
 public convenience and necessity to  
 operate an auto truck service as a  
 common carrier for compensation between  
 San Francisco and Oakland on the one  
 hand and Delano, Bakersfield, Magunden,  
 Weed Patch and Arvin districts on the  
 other hand.

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 ) Application  
 ) No.17340  
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**ORIGINAL**

BY THE COMMISSION -

OPINION and ORDER

By this application P. D. Johnson asks for an order of the Commission removing certain restrictions on the auto trucking service he was authorized to perform between the Bakersfield territory and San Francisco and Oakland by Decision No.23180. Attached to the application and made a part thereof is an exhibit setting forth the rates he proposes to charge in the event he is authorized to serve the communities he is now prohibited from serving by the terms of his certificate of public convenience and necessity.

Applicant herein filed Application No.16207 on August 4, 1930. Five hearings were held - two days at San Francisco and three days at Bakersfield. On December 15, 1930, the Commission handed down its Decision No.23180 granting applicant authority to transport farm products between certain agricultural territory near Bakersfield and Oakland and San Francisco. The order in Decision No.23180 restricted the return haul to the agricultural districts and to the ranches from which hauls were made. No authority was granted for the back haul of general merchandise to the business districts of Delano or Bakersfield, the evidence clearly indicating that the two communities were adequately served by existing carriers. On January 5, 1930, applicant sought a rehearing and on January 19, 1931, said petition for a rehearing was denied by Decision No.23309.

By this application, applicant Johnson seeks authority to transport all commodities with the right to serve the business districts of Delano and Bakersfield. The records of the Commission show that at the hearings held on Application No.16807 the matter of the requirements of public convenience and necessity in the territory proposed to be served by applicant Johnson was exhaustively presented both by applicant and protesting carriers. The restriction on the service authorized was imposed after a thorough study and review of the testimony adduced during the five days of hearing. The instant application offers nothing to indicate that there is any change in the conditions on which the Commission based its order granting a restricted certificate. Under the circumstances, we are of the opinion that it should be dismissed, the matters involved having been fully determined by Decision No.23180. Therefore,

IT IS HEREBY ORDERED that Application No.17340 be and the same is hereby dismissed.

Dated at San Francisco, California, this 1st day of

January, 1931.

C. L. Harvey

Leon Whitely

M. J. Van

M. B. Harvey

Fred G. Stewart

COMMISSIONERS.