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Decision No. 10963

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of )  
A. H. LANDERS for certificate of )  
public convenience and necessity to : Application No. 7960  
operate a motor truck line between )  
Fresno and Caruthers and Raisin City. )

Ernest Klette for Applicant

L. W. Bradshaw for Southern Pacific Company  
and American Railway Express, Protestants.

ROWELL, Commissioner.

O P I N I O N

A. H. Landers applies for a certificate of public convenience and necessity authorizing the operation of an automobile truck line as a common carrier of freight between Fresno and Raisin City and between Fresno and Caruthers.

A public hearing was held upon the above entitled application on June 30th, 1922, at Fresno, California, at which time the matter was submitted and it is now ready for decision.

In addition to the testimony of applicant, two witnesses were called, both engaged in business in Caruthers, who testified in support of the petition. One of such witnesses, operating a general mercantile establishment at Caruthers, stated that the service, if established, would be of great convenience to him in that the majority of his purchases were made in the City of Fresno, and that applicant leaving in the morning could gather such purchases and return with them the same day; that

under present conditions he is obliged to have his orders into the wholesale houses before twelve o'clock, noon, so that they may be delivered to the Southern Pacific Freight Depot before the four o'clock closing hour. If delivered to the freight depot before the four o'clock closing hour they are available for delivery at the freight station of the Southern Pacific at Caruthers at approximately ten or eleven o'clock the following morning.

Applicant's second witness is engaged in the ice business at Caruthers. He stated that he needs on an average one ton of ice per day which he secures in Fresno. In this connection it might be stated that applicant proposes to operate one round trip per day and to use in such service one Ford truck. It appears that if this witness desires to avail himself of applicant's service, that applicant's truck could only carry his one ton of ice per day under the service as proposed herein, to the exclusion of other merchandise.

No testimony whatsoever was submitted with respect to the necessity of establishing truck service between Fresno and Raisin City, and the Commission may again reiterate that the mere desire of an applicant to engage in business as a common carrier is not controlling and that no certificate can be granted unless a definite showing is made through competent testimony that a necessity exists for the service proposed.

In connection with this application there was also submitted by applicant, a petition signed by approximately 40 residents of Caruthers. With the exception of two witnesses called by applicant, none of these signers was present for cross-examination by protestants and a check of the occupations of the signers of said petition shows machinists, blacksmiths,

realty broker, real estate agent, etc., from which it would appear that a majority of such signers would have little or no use for this service if established, except on very infrequent occasions.

In my opinion applicant has not shown that there is a public necessity for the service herein proposed, and I recommend that the above entitled application be denied.

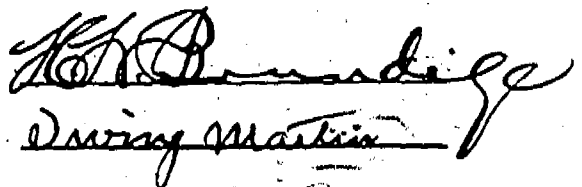
ORDER

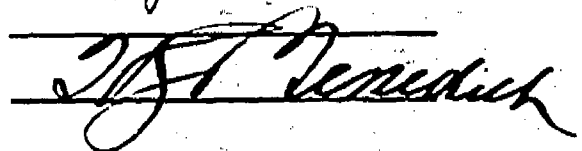
A public hearing having been held, evidence submitted and the Commission being fully advised,

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

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of California.

Dated at San Francisco, California, this 7<sup>th</sup> day of September, 1922.

  
Irving Martin

  
J. F. Benedict

Commissioners