

Decision No. 11105

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
 of EDGAR L. FOREST for certificate
 of public convenience and necessity
 to operate freight and express ser-
 vice between Culver City and Los
 Angeles.

Application No. 7752

Frank J. Lavan, for Applicant
 H.S. Payne, for Board of Public Utilities, City of
 Los Angeles, Protestant
 M. Thompson, for American Railway Express, Protestant
 G.R. Cleveland, for Rice Transportation Company,
 Service Motor Express and Union Transfer & Storage
 Company, Protestants.

BY THE COMMISSION:

OPINION AND ORDER ON REHEARING

The Commission having on August 2, 1922, made its order herein, setting aside decision heretofore made in this proceeding under date of May 31st, 1922 (Decision No. 10519) and having granted rehearing on the matters considered in said decision, a further hearing on application herein was held by Examiner Williams at Los Angeles, the matter was duly submitted and now is ready for decision.

Rehearing was urged by the Board of Public Utilities on the ground that the region is already adequately provided with service to Los Angeles and that permission to enter the City of Los Angeles had been denied for this reason. The Board of Public Utilities introduced no testimony, other than its minute record of the facts stated.

Gaylie R. Cleveland, on behalf of the Rice Transportation Company, a protestant, testified that this Company had

attempted to establish an agency at Culver City but that it was abandoned after some months trial as a failure. His testimony was not convincing that this agency was more than a mere advertisement in a local paper that orders might be left at the newspaper office. There was no real effort to make it effective. Witness, testified, however, that his company is now ready to establish an active agency with an office at Culver City and devote special attention to Culver City shipments. This carrier makes three trips each way daily through Culver City and has ample equipment to furnish adequate service, not only to Los Angeles but to the beaches. Applicant's service is only to Los Angeles, once daily, three days in a week and his rates, especially minima, are higher than protestants' on many small shipments.

It developed in testimony of applicant, that during the period from May 31, 1922 to the date of hearing, he had operated continuously twice or thrice weekly between Culver City and Los Angeles, although he had been granted postponement of his operation twice by the Railroad Commission, while the Board of Public Utilities was withholding permission to operate in the city limits. In doing this he was disobedient of the laws of the State and the Ordinance of the City.

In view of all the evidence in this proceeding and the showing by protestant Rice Transportation Company that it can and will give adequate service to Culver City, the Commission hereby finds as a fact that applicant's showing is insufficient to justify granting the application herein sought, and in the absence of an affirmative showing, that the application should be denied.

O R D E R

A further hearing having been held on the above entitled proceeding, the matter having been duly submitted and

the Commission being fully advised, and basing its order on the findings of fact as they appear in the foregoing opinion,

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

Dated at San Francisco, California, this 12th
day of October, 1922.

Having read the
 above report
 J. F. [unclear]
 Commissioners.