

Decision No. 11197

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application
of ADAMS and PECK, for certificate
of Public Convenience and Necessity
to operate a Freight Service be-
tween Ontario and Los Angeles,
California.

Application No. 8250

E.H. Jolliffe, for Applicants
H.W. Kidd, for J. Hawkins, Keystone Express, T. Rox
and Motor Transit Company, Protestants
J.R. Downs, for Southern Pacific Company, Protestant.
T.A. Woods, for American Railway Express Company,
Protestant
C.W. Cornell, for Pacific Electric Railway, Protestant.

BY THE COMMISSION:

O P I N I O N

Joseph Adams and G.W. Peck, co-partners, have applied to the Railroad Commission for a certificate of public convenience and necessity to operate auto freight service between Ontario and Los Angeles.

A public hearing was held at Ontario by Examiner Williams.

Applicants propose to transport milk only from Ontario to Los Angeles, and freight only on the return trip. The rates proposed are 20 cents per 10-gallon can for milk and 20 cents per hundred for freight.

Applicants introduced but one witness, Joseph Adams. He testified that he had interviewed dairymen north-east of Ontario (now served by protestant Hawkins) and that certain ones had signed an agreement to deliver their milk to any carrier who

would charge the rates stated above. This agreement, or petition, was filed. In quantity it aggregates 212 cans daily. Adams, on cross examination, admitted that protestant Hawkins' service was adequate and without complaint, to his knowledge, but that the lower rates proposed were agreeable to signers. Adams formerly drove this route for H.R. Anderson, whose rights were purchased by protestant Hawkins, under Decision No. 9770. He testified the rates proposed by applicant would be compensatory, considering the back haul of freight. Stipulation restricting the commodities to be hauled on return was rejected by applicants. No further testimony being offered, applicant was informed that his showing was insufficient without proof of a necessity, apart from the mere offer to serve by applicants. A continuance to produce witnesses was asked, but was denied by the Examiner presiding. Considering that applicants were experienced in milk hauling, that the hearing was held at a point convenient and advantageous for applicants and their witnesses, and inconvenient for protestants, and further that Adams had been advised by counsel not to bring witnesses, we believe the denial of the motion for continuance was proper. Protestants did not introduce any testimony.

As applicant's showing was insufficient to show a public necessity for the service proposed, the application should be denied.

O R D E R

Joseph Adams and G.W. Peck having applied for a certificate of public convenience and necessity to operate freight service between Ontario and Los Angeles, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

HEREBY DECLARES that public convenience and necessity do not require the service proposed by applicants and that application herein be and the same hereby is denied.

Dated at San Francisco, California, this 6th day of August, 1922.

H. H. Brundige

Frank A. Brown
J. J. Conner
Commissioners.