

Decision No. 11195

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of LOS ANGELES and SANTA BARBARA)
MOTOR EXPRESS COMPANY, a corpor-)
ation, for Permission to Operate)
over certain Highways.)

Application No. 8195.

ORIGINAL

Durley and Downes, by W. Mark Durley, for Applicant
Earl E. Moss, for Los Angeles and Oxnard Daily
Express, Protestant.

BY THE COMMISSION:

O P I N I O N

Applicant, Los Angeles and Santa Barbara Motor
Express Company, a corporation, seeks permission to divert its
service to Oxnard in order to transport the shipments of the
Dunn Manufacturing Company to Los Angeles.

A public hearing was held at Oxnard by Examiner
Williams.

It developed that all of the stock of the Los
Angeles and Santa Barbara Motor Express Company is owned by the
Dunn Manufacturing Company, except three shares, and that the
only purpose of the application was to permit this applicant
to use its equipment to depart from its authorized route at
Santa Paula and receive and transport, by any route it chose,
shipments from and to the Dunn Manufacturing Company, between
Oxnard and Los Angeles, and no other service of any kind. It
was admitted that service to Oxnard is now rendered by the Los

Angeles and Oxnard Daily Express, and while criticism was made by applicant of this carrier's service, the expressed purpose was to divert approximately \$500.00 a month to applicant's revenues, which now accrues to protestant.

Protestant, preliminary to hearing, moved the dismissal of the application on the ground that it did not ask a certificate of public convenience and necessity and that only with such a request before it could the Commission make any valid order. Further, that Oxnard and the Dunn Manufacturing Company are served by protestant and that the offer of applicant was not to serve the public because of a necessity alleged, but merely to invade protestant's territory and serve exclusively one customer. This protest, (in the nature of a demurrer,) was overruled for the reason that under the application applicant might receive a new route by way of Oxnard, and be refused privilege of service within protestant's territory. A new routing, without the service proposed, was not urged, however.

Applicant's testimony related only to service to the Dunn Manufacturing Company. Proof of necessity for this service was not made. The protestant, the testimony showed, has ample equipment and suitable schedules and rates, and applicant's own testimony was that no loss of business, due to any fault or delay of protestant had been suffered by the Dunn Manufacturing Company. Protestant did not offer any testimony at the hearing, except by way of cross examination.

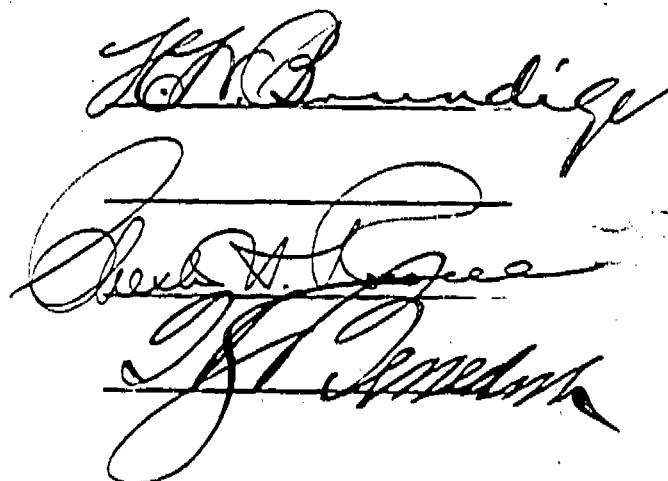
It is the policy of this Commission to protect carriers in their operations and revenues, so long as they measure reasonably to the standards of rates, adequacy, and efficiency. In this case, applicant has chosen one customer, the largest in Oxnard,

and seeks to deprive protestant of this customer's shipments without good cause and without fault on protestant's part. It is our opinion that the application should be denied.

O R D E R

IT IS HEREBY ORDERED BY THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA that the application herein be and the same hereby is denied.

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


Commissioners.