

ORIGINAL

Decision No. 5871.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of FRED FORBES for certificate of)
public convenience and necessity)
to operate passenger, freight and)
baggage service between Jolon and)
King City.)

Application No. 4006.

Fred Forbes in propria persona.

Hugh R. Osburn for Reil Dani, Protestant.

BY THE COMMISSION:

O P I N I O N

Fred Forbes has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of passengers, baggage and freight between Jolon and King City, in the county of Monterey.

A public hearing was held by Examiner Handford at King City on October 21, 1918, the matter was duly submitted and is now ready for decision.

Applicant has secured a mail contract from the Post-office Department of the Federal Government for the carriage of U. S. Mail between Jolon and King City and desires the privilege of carrying passengers, baggage and freight in connection with the carriage of mail.

Applicant proposes to charge rates in accordance with a schedule marked exhibit "A" and filed with the application

in this proceeding, and to operate on a schedule of one round-trip daily, using as equipment one Marion-Handley six-cylinder Touring Automobile with a seating capacity of seven passengers.

At the hearing on this proceeding applicant offered no testimony as to the public convenience and necessity to be served other than his desire to add the carriage of passengers, baggage and freight to the service now rendered the Federal Government in the carriage of U. S. Mail.

The granting of the desired certificate was opposed by Reil Dani who has operated a stage line between King City and Jolon for the past eight years over the same route now desired by applicant. Protestant formerly held the United States Mail contract and surrendered same on July 1, 1918, applicant having secured same on bid for the ensuing four years. Protestant testified that the average receipts from the carriage of passengers, baggage and freight amounted to \$150.00 per month, and that he had been able to care for all the traffic offering and had never found it necessary to use additional equipment nor to overload his car. Protestant claims to be able to furnish additional equipment if at any time the volume of traffic warrants and to secure cars in any emergency if an overload presented itself for transportation.

Applicant at the time of submitting bid for the carriage of United States mail for the four year term ending June 20, 1922, did so under the impression that if he was successful in securing the contract that the privilege of carrying passengers, baggage and freight would accrue to him together with the mail contract. The provisions of chapter 213, laws of 1917, outline the necessity

for procuring a certificate of public convenience and necessity from the Railroad Commission and permits from the governing bodies of all political subdivisions through which the route passes, and the possession of a United States mail contract is not a factor in the granting of a certificate if competition exists over a route and the public is receiving satisfactory service.

After consideration of the evidence in this proceeding, we are of the opinion and find as a fact that the public necessity and convenience is satisfactorily served by the present stage line operated by the protestant, Dani, and that the application should be denied.

O R D E R

Fred Forbes having petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of passengers, baggage and freight between Jolon and King City in the County of Monterey, a public hearing having been held, the matter having been duly submitted and the Commission being fully advised and basing its order on the finding of fact as set forth in the opinion which precedes this order,

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

Dated at San Francisco, California, this 28th day of October, 1918.

Edwin O. Edgerton
H. L. ...
Frank A. ...

Commissioners.