

ORIGINAL

Decision No. 6272

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of )  
PAUL THON for permit to operate pass- )  
enger service between Merced Falls, )  
Snelling and Merced, all in the ) Application No. 4191.  
County of Merced, State of California.)

Croop and Croop by W. B. Croop for Applicant.

T. W. Ward for Stavros Bros. Stage Line, Protestants.

BY THE COMMISSION.

ORDER

Paul Thon 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 and parcels between Merced Falls and Merced City and intermediate points.

A public hearing was conducted by Examiner Handford at Merced on April 11, 1919, the matter was duly submitted and is now ready for decision.

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 between Merced Falls and Merced/<sup>City</sup> serving the intermediate community at Snelling and using as equipment one Garford automobile, 1912 model, seating capacity of seven passengers and one Chevrolet automobile with a seating capacity of five passengers.

Applicant relies on conditions existing at Merced Falls and alleges infrequent service by the trains of the Yosemite

Valley Railroad and states that, during the months of September and October of 1918, he operated a stage over the route herein sought and was unable at such time to handle with a five passenger car the traffic offering from Merced Falls to Merced.

The mill of the Yosemite Lumber Company is located at Merced and during the summer season a considerable number of employees are engaged and many of the employees of the lumber company are laborers or workmen who are frequently leaving for other localities and who desire the first method of transportation available into Merced. But little traffic offers from Merced to Merced Falls.

This application is protested by Stavros Bros. who are now operating under a certificate of public convenience and necessity regularly obtained from the Railroad Commission. Protestants claim that, during the summer months, an average of four and passengers per trip are carried/in the winter months from one to two passengers; an average of six passengers daily leave Merced Falls of which number protestant claims to carry four. The entire business available appears to be that resulting from the employees of the Yosemite Lumber Company, varying estimates being given as to the number employed ranging from 75 to 200 in the winter months and from 250 to 300 in the summer months.

Protestant operates a seven passenger Willys-Knight automobile and claims to have been able to carry all passengers offering during the fourteen months in which his service has been available for the public. Protestant also claims to be in financial position and willing to increase his equipment to satisfactorily care for all traffic offered should necessity require.

Applicant in this proceeding presented no evidence indicating that public convenience and necessity require the operation of an additional stage line between Merced and Merced Falls other than his desire to enter the business.

There was no showing made that the existing line of Stavros Bros. or the Yosemite Valley Railroad Company were unable to satisfactorily handle all traffic that might offer for transportation between Merced and Merced Falls and intermediate points and, as the Commission has frequently stated in its decisions on applications of this nature, the desire of an applicant to enter the business is in no manner a measure of public convenience and necessity.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by Paul Thon of an automobile stage line as a common carrier of passengers and parcels between Merced Falls and Merced City and intermediate points and,

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

Dated at San Francisco, California, this 11th day of April, 1919.

Edwin O. Egan  
H. J. K. K. K.  
J. H. B. B. B.  
J. J. J. J. J.  
Commissioners.