

ORIGINAL

Decision No. 6365.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
O. E. SQUIER for certificate of)
public convenience and necessity to)
operate express, passenger and freight) Application No. 4137.
service between Williams, Leesville,)
Hough Springs and Bartlett Springs.)

Moody and Bell, by H. C. Bell, for applicant.

William Quigley, Protestant.

BY THE COMMISSION

ORDER

O. E. Squier has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage and truck line as a common carrier of passengers, express and freight between Williams, Leesville, Hough Springs and Bartlett Springs.

A public hearing on this application was conducted by Examiner Handford at Williams on May 21, 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 during the period from May 1 to October 31, inclusive, of each year and on a schedule of three round trips per week during the remaining portion of the year.

The equipment proposed to be used consists of one Reo, one Studebaker and one Maxwell Automobile, each of seven passenger capacity. Also one six-seated spring wagon to be drawn by four

horses and to be used when road conditions are not suitable for the automobiles.

Applicant holds a United States mail contract over the proposed route and desires the privilege of carrying passengers, express and freight in connection with the service he is required to give in the transportation of United States mail.

Applicant urges as a reason why his petition should be granted the fact that he proposes to operate service throughout the entire year whereas the line of Wm. Quigley has not operated during the months of October 1918 to April 1919, inclusive. No other testimony was offered in behalf of applicant.

The granting of this application is opposed by William Quigley operating the "Williams and Bartlett Springs Line." Protestant, Quigley, has operated a stage line from Williams to Bartlett Springs for a period of nineteen years and such operation has been continuous throughout the year until the winter season of 1918-19. As regards such season Quigley, upon learning of the intention of the management of Bartlett Springs to close their resort for the winter months, made application to the Railroad Commission for authority to suspend operation during the winter months and the application, after due investigation, was granted under date of September 17, 1918, covering the suspension of operation from October 1, 1918 to April 30, 1919, inclusive.

Protestant claims to have served the public desiring stage transportation between Williams and Bartlett Springs in a satisfactory manner and to have at all times furnished adequate and satisfactory equipment.

Witnesses for applicant, including the manager of the Bartlett Springs resort, the proprietor of the Williams Hotel,

the agent of the Southern Pacific Railroad and the agent of the American Railway Express at Williams, and stage drivers in the employ of applicant and the Wilbur Springs Stage Line, testified that the service rendered by the stage line of protestant, Quigley, was satisfactory and there was no record of any complaint. It further appears that protestant has so handled his business that adequate accommodation has at all times been provided for his patrons as overloading of stages has not been permitted and the public generally have received a class of service in accordance with the duty of protestant, Quigley, as a common carrier and in accordance with the rules and regulations of this Commission, in fact, applicant in this proceeding testified that the service rendered by the protestants' line was satisfactory when same was operated.

As applicant relies largely on the fact that service by the Quigley line was discontinued during the winter season of 1918-19. as a reason why this application should be granted, we will now consider this point. The line over which an operative right is sought serves a summer and health resort at Bartlett Springs and the principal business is derived from guests and employees of the resort. The Bartlett Springs resort has for many years been open all the year. In the winter of 1918-19 the resort was closed to the public from October to April, inclusive, and the proprietor of the stage line applied to and received permission from the Railroad Commission to suspend operation during such period. Protestant, Quigley, testified that operation in former years during the winter season and when the Bartlett Springs resort was open and also when protestant had the revenue accruing from the United States mail contract

that a loss of approximately one hundred dollars per month resulted from the operation of the line.

A careful review of the evidence in this proceeding is conclusive that the public convenience and necessity do not require the establishment of an additional stage line as a common carrier of passengers, express and freight between Williams and Bartlett Springs and intermediate points, the only evidence shown by applicant in support of his petition being a desire to enter the business as an adjunct to his United States mail contract. As the Commission has frequently stated in decisions on applications of this nature neither the desire of an applicant to enter the business or the possession of a United States mail contract are indications of public convenience and necessity requiring the establishment of an additional stage line on which adequate and reliable service is already being given by an authorized operator as in this instance. The protestant, Quigley, has an investment of approximately \$10,000.00 in equipment and is willing and financially able to increase service to fully and adequately meet the demands of the traveling public desiring stage service over this route.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation of an automobile stage and truck line as a common carrier of passengers, express and freight between Williams and Bartlett Springs and intermediate points; and

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

Dated at San Francisco, California, this 3d day of June, 1919.

Edwin C. Egerton
H. J. ...
H. C. ...

Commissioners.