

ORIGINAL

Decision No. 6582

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of )  
FRANK FRANCIS for certificate of )  
public convenience and necessity to )  
operate stage service between Santa )  
Monica and Topanga Canyon. )      Application No. 4611.

Frank Francis in propria persona.

T. J. Day for Pacific Electric Railway  
Company, Protestant.

BY THE COMMISSION

O R D E R

Frank Francis 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 between Santa Monica and Topanga Canyon.

A public hearing was conducted by Examiner Handford at Los Angeles, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with a schedule incorporated in the application in this proceeding, and to operate hourly service between the hours of 6:00 A. M. and 6:30 P. M. using as equipment one Ford Automobile, with specially constructed body having a seating capacity of seven passengers, licensed by State Motor Vehicle Department under License No. 357770.

The Pacific Electric Railway Company operate a street

car service from Santa Monica to a wharf near what is known as the "Fish Camp" and oppose the granting of the application insofar as the applicant's route would parallel the existing service.

Applicant alleges in his petition that there is no service, other than that of the Pacific Electric Railway Company over a portion of the route, available for the public. At the hearing on this application there was no testimony offered other than that of the applicant and his testimony did not indicate that there was any public demand for the service but principally that he desired to enter the business of a common carrier over the route herein sought.

The Commission before granting a certificate of public convenience and necessity must be presented with an affirmative showing that public convenience and necessity require the establishment of transportation facilities as a common carrier. The fact that no transportation facilities exist over any route sought by an applicant is not a reason why an application should be granted and public necessity must be shown before a certificate will be issued. In this proceeding the testimony indicated that the applicant desired to enter the business, but with no further showing that there was any public demand or necessity for the establishment of the desired transportation service.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by Frank Francis of an automobile stage line as a common carrier of passengers between Santa Monica and Topanga Canyon, and

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

Dated at San Francisco, California, this 30<sup>th</sup> day of July, 1919.

Edwin O. Edgerton  
W. H. ...  
Frank R. ...

Commissioners .