

ORIGINAL

Decision No. 6628

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of )  
 F. A. WILSON for certificate of )  
 public convenience and necessity to )  
 operate passenger and express service ) Application No. 4860.  
 between San Francisco and Carmel and )  
 intermediate points. )

F. A. Wilson in propria persona.

L. B. Klein for M. V. Eugeart, Protestant.

Charles F. Wren for Pickwick Stages-Northern  
 Division, Protestant.

E. F. Heple for Heple Bros., Protestants.

Loui V. King for Watt L. Moreland, Protestant.

J. E. McCurdy for Peninsula Rapid Transit  
 Company, Protestant.

J. B. Reardon for United Railroads, Protestant.

H. T. Hennessey for Southern Pacific Railroad.

BY THE COMMISSION

ORDER

F. A. WILSON 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 express between San Francisco and Carmel and intermediate points.

The public hearing on this application was conducted by Examiner Handford at San Francisco on August 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 attached to the application in this proceeding and to operate on a schedule of one trip daily serving as intermediate points the communities at Del Monte and Monterey , using as equipment either a twelve passenger Cadillac car or a fifteen passenger Packard car, the equipment not yet having been purchased.

Applicant relies, as justification for the granting of the desired certificate of public convenience and necessity, upon the fact that no through stage service exists between San Francisco and Carmel and that local stage lines, which form a through route between such points, do not have scheduled connections which would give a continuous through service. Applicant has made some investigation as to the public necessity to be served by the establishment of a line between the points, as herein sought, and is of the opinion that the service, if authorized, would be profitable as a business venture. No witnesses other than applicant appeared in support of the application.

Applicant expressly stated at the hearing that it was not his desire to handle any intermediate business but that he proposed to confine his operation to through business originating at or destined to San Francisco, Monterey, Del Monte and Carmel; no intermediate or local business between any of the above mentioned communities being contemplated or desired and, such statement on the part of the applicant disposes of the protests of the various stage lines represented at the hearing as regards interference with their established local business.

The application is opposed by the Southern Pacific Railroad on the basis that such line offers adequate service at reasonable rates between San Francisco and Monterey , such

company operating five round trips daily, some of the scheduled trips via Los Gatos and Santa Cruz others via Gilroy and Del Monte Junction. The Southern Pacific Railroad furnishes no service to Carmel but there are existing stage lines operating between Carmel and Monterey.

The proprietors and representatives of existing local stage lines, while withdrawing their protests in so far as same affected any local business which applicant disclaimed any intention of desiring to serve, directed attention to their ability to furnish service over their respective lines as connecting links in the through transportation over the route herein sought by applicant.

After careful consideration of all the evidence in this proceeding, the Commission is of the opinion that no showing was made by applicant which indicated that the public were interested in or desired through automobile stage service over the route for which applicant has sought a certificate, there being no evidence other than that of the applicant herein presented to the Commission at the hearing on this matter and, as the Commission has frequently stated in opinions on applications of this nature, the desire of an applicant to enter the business is not<sup>a</sup> controlling factor as regards the issuance of a certificate of public convenience and necessity as there must be an affirmative showing that public convenience and necessity require the establishment of additional transportation facilities or that the existing carriers are unable to give adequate and proper service to the public. No showing of this nature appears from the evidence in this proceeding and the

application herein must therefore be denied.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the establishment of an automobile service by F. A. Wilson as a common carrier of passengers and express between San Francisco and Carmel and intermediate points and,

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

Dated at San Francisco , California, this 29<sup>th</sup> day of August, 1919.

Edwin C. Egerton

H. S. Loveland

Frank R. Roberts

H. T. Boudreau

Waring M. Martin

Commissioners.