

Decision No. 6770.

ORIGINAL

In the Matter of the Application of)
the UNITED STAGES, INC., for certi-)
ficate of public convenience and)
necessity to operate a passenger auto)
stage and express service between)
Holtville and Calexico, California,)
and intermediate points.)

Application No. 4592.

T. Morgan for Applicant.

A. L. Hayes for Pickwick Stages, Inc.

J. W. Glassford for A. B. Bland,
Protestant.

BY THE COMMISSION:

O R D E R

UNITED STAGES, INC., a corporation, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an automobile stage line as a common carrier of passengers and express between Holtville and Calexico and intermediate points.

A public hearing on this application was conducted by Examiner Handford at El Centro on September 25, 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 three round trips daily using as equipment two Cadillac Touring Cars, each of eight passenger capacity.

Applicant relies as justification for the granting of the certificate herein sought upon the alleged fact that there is no transportation service over the route herein sought and that the service, which will be given by applicant, if a certificate is authorized, will be a convenience for some two hundred ranchers located at points along the route and will also serve as a direct route between Holtville and Calexico. It appears from the testimony that there are three roads between Calexico and Holtville which could be used and that the particular road or route sought by applicant is one that runs for a considerable distance over private property not ~~being~~ dedicated to public use.

This application is protested by A. B. Bland, who operates an automobile stage service between Holtville and El Centro making connections at the latter point with the stage line of the applicant operating between El Centro and Calexico. The objections of protestant, Bland, are based on the alleged fact that the combined services of the two lines is adequate and satisfactory for the traveling public; that the road over which applicant proposes to operate is in such condition that regular and profitable operation is impossible and that sufficient business does not exist to warrant the establishment of a stage line over the route herein sought. The rate proposed by applicant is eighty cents against a rate of \$1.05 via El Centro and requiring a change at such point.

There was no showing made by applicant at the hearing which would justify the granting of this application. No witnesses other than applicant appeared in justification with the exception of one witness whose testimony related to a different route than that herein sought by applicant. No showing was made that the existing transportation facilities were inadequate or

that the rate charged via the existing combination of routes was unreasonable and, in our opinion, based on the evidence in this proceeding, the application is one brought in anticipation of an improved highway being constructed between Calexico and Holtville, rather than on the basis of any public convenience and necessity to be served by applicant at this time. In the absence of a satisfactory showing as to public convenience and necessity to be served, the Commission cannot grant applications of this nature when existing facilities are present and are satisfactorily serving the public. The Commission must in this matter again set forth the fact that the desire of an applicant to enter the business of a transportation company over a particular route is not evidence of public convenience and necessity and that an affirmative showing must be made supported by competent evidence before applications of this nature will be granted. At the hearing on this application no such showing was made and the application must, therefore, be denied.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the establishment by United Stages, Inc., a corporation, of an automobile stage service as a common carrier of passengers and express between Holtville and El Centro, and,

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

Dated at San Francisco, California, this 22^d day of October, 1919.

Edwin O. Edgerly
H. D. Loveland
Frank W. Wynn
Jessie Martin