

ORIGINAL

Decision No. 7148.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of)
SERVICE CORPORATION for certificate)
of public convenience and necessity)
to operate freight and express service)
between Bakersfield and Los Angeles,)
California.)
.....)

Application No. 5203.

R. B. Lambert for Applicant.

H. H. Gogarty for United States Railroad
Administration; Southern Pacific Railroad;
The Atchison, Topeka and Santa Fe Railway,
Protestants.

George Clark for G. M. Duntley and E. A. Kuykendall,
Protestants.

C. B. Locklin for Motor Transport Company, Protestants.

BY THE COMMISSION:

O R D E R

SERVICE CORPORATION, a corporation, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an automobile truck service as a common carrier of freight and express between Bakersfield and Los Angeles and intermediate points.

A public hearing on this application was conducted by Examiner Handford at Bakersfield on February 13, 1920, 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 round trip daily between Bakersfield and Los Angeles.

Applicant relies as justification for the granting of the desired certificate upon the alleged fact that there is no present service between Bakersfield and Los Angeles via the Ridge Route and that many requests have been made to establish such service.

Witnesses for applicant testified as to the business of the Service Corporation consisting of a sales department, bottling department and transportation department. This corporation is the Bakersfield agent for the distribution of various manufacturers products and in connection with such business desires to not only deliver such products to its clients and customers but also to handle any freight and express matter which may be offered by the general public. It was stated that it is the intention of the company to establish a produce department and purchase products at either end of the proposed line transporting them to destination and there disposing of same through the medium of its sales department. The only evidence in behalf of the applicant and representing the public was the sales manager of the Kern County Creamery who has in contemplation the delivery of ice cream to various resorts along the Ridge Route which is proposed to be served by applicant.

This application is opposed by G. M. Duntley, E. A. Kuykendall, Motor Transport Company and the United States Railroad Administration, on behalf of its lessors, the Southern Pacific Railroad and The Atchison, Topeka and Santa Fe Railway.

G. M. Duntley opposes this application for the reason that a certificate of public convenience and necessity was granted to him under date of January 27, 1920, (Decision No. 7063 on Application No. 4928). Mr. Duntley has sixteen trucks available and an investment in equipment of approximately \$100,000.00. He proposes to place in service all equipment necessary to satisfactorily meet the demands of the public for transportation between Bakersfield and Los Angeles over the route as herein proposed by applicant.

E. A. Kuykendall opposes the granting of the desired certificate on the basis of the fact that he was granted a certificate of public convenience and necessity to operate over the route herein sought by the Railroad Commission on January 27, 1920, (Decision No. 7063 on Application No. 4852). This protestant is now operating and has purchased an additional two and one-half ton truck to take care of the demands of traffic over the route as herein sought by applicant. His business has not as yet been fully organized and but small tonnage has thus far been offered for transportation.

Witnesses for protestant, United States Railroad Administration, testified as to the rates and service as offered by the Southern Pacific Railroad and American Railway Express.

The record in this proceeding indicates that the Commission has recently authorized the establishment of freight and express service over the route as herein proposed and that the carriers that have received authorization are able financially to furnish all equipment and service that would appear to be required to satisfactorily serve the public in the transportation of freight and express by auto truck between Bakersfield and Los

Angeles and there is no evidence before the Commission in this proceeding indicating that there is any demand for such service which authorized carriers are not able to satisfactorily furnish.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity does not require the establishment by Service Corporation, a corporation, of an automobile truck line as a common carrier of freight and express between Los Angeles and Bakersfield and intermediate points; and

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

Dated at San Francisco, California, this 20th day of February, 1920.

Edwin C. Edgerton

H. J. Loveland

Frank Darwin

Irving Martin

Commissioners.