

ORIGINAL

Decision No. 7370.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

oooOooo

In the Matter of the Application of )  
FAST FILM SERVICE COMPANY, a co- )  
partnership, for certificate of public )  
convenience and necessity to operate a )  
motor truck film delivery service ) Application No. 5080.  
between San Francisco, Lemoore, Tulare )  
and Porterville. )

P. D. Nowell for Applicant.

Alfred Sutro by Harry T. Hennessey for  
United States Railroad Administration,  
American Railway Express, Protestant.

BY THE COMMISSION:

O R D E R

Fred Fortress, Harry Fortress and Glenn Smith,  
partners in business, proposing to operate under the fictitious  
name of Fast Film Service Company, have petitioned the Rail-  
road Commission for an order declaring that public convenience  
and necessity requires the operation by them of an automobile  
truck line as a common carrier of moving picture films and  
repair parts between San Francisco and Tulare and intermediate  
points.

A public hearing on this application was conducted  
by Examiner Handford at San Francisco, 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 appli-

cation in this proceeding, to operate on a schedule of one trip daily serving as intermediates the communities at Oakland, Livermore, Tracy, Manteca, Modesto, Turlock, Merced, Livingston, Chowchilla, Madera, Fresno, Sanger, Reedley, Dinuba, Visalia, Lindsay, Porterville, Fowler, Selma, Hanford, and Lemoore, using as equipment three Dodge delivery trucks equipped with pneumatic tires.

Two of the applicants in this proceeding testified as to the proposed service which is to be confined exclusively to the handling of motion picture films between the distributing agencies in San Francisco and the various moving picture theatres along the route proposed by applicant. The rates proposed are the same as those of the American Railway Express and applicants claim to have interviewed the proprietors or managers of all theatres in the communities along the proposed route and have received encouragement as regards their prospective operation. No evidence was introduced other than that of applicants as to the desire of moving picture theatres for a change from the service as heretofore rendered by the American Railway Express and it appears from the evidence that the expense of transportation and the routing of the films is controlled by the moving picture theatres to whom the films are leased for exhibition purposes through various agencies in San Francisco. No evidence was introduced by applicants which would indicate that the present service was unsatisfactory or that there had been any loss or damage to the specific merchandise proposed to be transported or any dissatisfaction with the existing method of transportation.

This application is opposed by the United States Railroad Administration on behalf of its lessor the American

Railway Express. A witness for protestant testified as to the service and schedules upon which express was handled to the communities proposed in this application and that four deliveries and three pick ups daily were made in San Francisco, the service given by the express company as regards the handling of films being a preferred service. The express company also maintains a film room at San Francisco for the proper handling of this class of shipments. No complaints have been received as to delays in shipments or as to rates being unreasonable. The record of business handled during a given period to the points proposed to be served by applicant indicates that the business is not of great volume and, if this application were to be granted, there is not sufficient business to make the enterprise as proposed a profitable one if confined strictly to the carriage of motion picture films and moving picture machine parts.

We have carefully considered the evidence in this proceeding and do not find that applicant offers anything to the public in the way of superior service or lower rates or meets any demand which is not now satisfactorily cared for by the facilities of the American Railway Express and, as no evidence was offered in support of the application other than that of two witnesses who are partners in the enterprise, there is nothing before the Commission that would justify the granting of this application other than the desire of applicants to enter the business of a common carrier and, as the Commission has frequently stated in its decisions on applications for certificates of public convenience and necessity, the desire of an applicant to enter the business is not a measure of public convenience and necessity and the

application will therefore be denied.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the establishment by Fred Fortress, Harry Fortress and Glenn Smith, partners in business proposing to operate under the fictitious name of Fast Film Service Company, of an automobile truck line as a common carrier of merchandise between San Francisco, Lemoore, Tulare, Porterville and intermediate points and,

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

Dated at San Francisco, California, this 5<sup>th</sup> day of April, 1920.

Edwin O. Edgerton  
H. D. Leonard  
Frank C. Dwyer  
H. H. Brundage  
Iwing Martin

Commissioners.