

Decision No. 7527

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-000-

In the Matter of the Application of )  
the PALA VERDE and IMPERIAL VALLEY )  
TRANSPORTATION COMPANY for certifi- :  
cate of public convenience and neces- ) Application No. 5107  
sity to operate freight and truck )  
service between Los Angeles and :  
Beaumont and Banning. )

E. A. Boutell for Applicant.  
E. A. Woods for American Railway Express, Protestant  
J. R. Downs and C. F. Donnatia for Southern Pacific Co.  
Protestant.  
Geo. L. Wing, for Fred D. Pearce, Protestant.

BY THE COMMISSION.

O R D E R

E. A. Boutell and E. S. Fuqua, partners in business under the firm name and style of Pala Verde and Imperial Valley Transportation Company, have petitioned the Railroad Commission for a rehearing of said application after decision Number 7064 of the Commission finding that no showing was made by applicants which would justify the granting of a certificate of public convenience and necessity between Los Angeles, Beaumont, Banning, San Bernardino, Blythe, Brawley, Imperial or El Centro.

Applicant requested that a rehearing be granted in the matter insofar as concerns an authorization to serve the communities of Beaumont and Banning.

A public hearing on said petition for rehearing was held before Examiner Satterwhite at Beaumont on March 31st, 1920, at which

time and place further evidence was introduced and argument presented. The matter was duly submitted and is now ready for decision.

The Southern Pacific Company, the American Railway Express Company and Fred D. Pearce, protested the granting of the application. Applicant called five witnesses in support of this rehearing, two of whom resided at Banning and three at Beaumont. The testimony of these witnesses was to the effect that they had expressed a willingness to patronize the proposed line in the event said application was granted.

It was not shown by any of these witnesses that there was any public necessity for this proposed service other than their personal willingness to patronize the said line. None of them had had any conversation with the other merchants at either Banning or Beaumont and had no knowledge of the desire of any of the business men or merchants for this service. On cross examination each of these witnesses, when informed that the protestant, Fred D. Pearce, had been granted by the Commission, under date of March 23, 1920, a certificate covering through service between Los Angeles, Beaumont and Banning, testified in their opinion that there was no necessity for more than one truck line to operate between these points and more particularly when it was shown that the Fred D. Pearce line was to serve such points exclusively and no other intermediate points.

The applicants did not testify in their own behalf at the rehearing and offered no other testimony.

After careful consideration of the evidence, we are of the opinion that the application should be denied.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by the Pala Verde and Imperial Valley Transportation Company of an auto-

mobile stage line as a common carrier of freight between Los Angeles and Beaumont and Banning.

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

Dated at San Francisco, California, this 3<sup>d</sup> day of May, 1920.

Erin O. Egan  
H. L. Loveland  
Stuart K. Holm  
H. K. Boudreau

Commissioners