

Decision No. 7600.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
C. W. CURPHEY for certificate of)
public convenience and necessity to)
operate auto freight truck service) Application No. 5354.
between Calipatria, El Centro,)
Callexico and intermediate points.)

H. W. Kidd for Applicant.
H. C. Booth for Southern Pacific
Company, Protestant.

BY THE COMMISSION:

ORDER

C. W. Curphey has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile truck line as a common carrier of freight between Calipatria, El Centro, Callexico and intermediate points.

A public hearing on this application was conducted by Examiner Handford at El Centro on May 11, 1920, at which time 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 service daily, except Sundays and holidays, using as equipment six trucks; one of one and one-half ton capacity, four of two ton capacity and one of three and one-half ton capacity. Applicant has also arranged for the purchase of five additional trucks which are shortly to

be placed in service.

Applicant commenced local truck operation in Calexico some seven years ago and his business has extended to El Centro and other cities in the Imperial Valley, hauling having been done for wholesale houses under contract. The business has increased until a daily service is now given from El Centro to Calexico and Brawley and a tri-weekly service to Calipatria. Witnesses for applicant, engaged in the wholesale produce, wholesale grocery, farm implement and general merchandise business, testified as to the satisfactory service heretofore rendered by applicant in the distribution of merchandise from their warehouses to the various communities in the Imperial Valley proposed to be served by applicant herein. A considerable volume of the business heretofore transacted by applicant has been in the distribution of merchandise from warehouses to branch stores of his patrons and, where deliveries are made direct from warehouses to other customers, such customers insist on truck delivery in that such delivery eliminates any necessity for the service of a local drayman from the railroad station to the ultimate point of delivery. It appears that the principal business of applicant is in the distribution of merchandise and produce from central warehouses to points in the Imperial Valley, the return loads consisting of about ten percent of the business. About twenty percent of the merchandise consists of perishable products.

The granting of this application is protested by the Southern Pacific Company operating freight service daily, except Sunday, between Niland and Calexico and also operating two round trips daily by passenger train upon which the express business of the American Railway Express is handled. Mr. I.

T. Sparks, district freight and passenger agent of the Southern Pacific Company, testified that the service now rendered was superior to that offered to the public during the period of the war and that his company was now expending some \$250,000.00 in the improvement of facilities for the handling of less than carload freight in the Imperial Valley, such expenditures covering additional yard and team tracks and extensions of delivery platforms. No written complaints have been received regarding the handling of less than carload freight although some oral complaints have been brought to the attention of the Southern Pacific Company, although these complaints were not serious in nature covering matters of delay or misrouting of freight which are usually incidental in the conduct of any transportation company.

The rates proposed by applicant are in excess of the rates of the Southern Pacific Company but such rates include store door pick up and delivery thereby eliminating drayage expense to shippers and consignees. The rates of applicant are lower than the rates of the American Railway Express although practically the same service is given by both applicant and the express company with the exception that merchandise and products do not receive the frequent handlings when shipped by truck that are in evidence when shipped by the American Railway Express.

After careful consideration of the evidence in this proceeding, it appears that the service of a common carrier proposed by applicant is one for which a need has developed by reason of the satisfactory service heretofore rendered by applicant in his hauling of commodities between local communities in the Imperial Valley. The testimony of applicant's witnesses shows that a desirable and satisfactory service has

heretofore been rendered to the public and such service should be continued for the benefit of the public. The advantage of pick up and delivery/^{service} as proposed by the applicant together with the elimination of frequent handling of shipments and service at a reasonable rate, are all advantageous to the public and the service as heretofore performed by the applicant should be continued.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by C. W. Curphey of an automobile truck line as a common carrier of freight between Calipatria, El Centro, Calexico and intermediate points; provided, however, that the rights and privileges hereby granted may not be transferred or assigned unless the written permission of the Railroad Commission to such transfer or assignment has first been secured.

IT IS HEREBY ORDERED that no vehicle may be operated under this certificate unless such vehicle is owned by the applicant herein or is leased by such applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 18th day of May, 1920.

Edwin C. Edgerton
H. D. Loveland
Deering Weston

Commissioners.