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Decision No. 7646.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
 C. N. CLARK for certificate of)
 public convenience and necessity to :
 operate freight and express service : Application No. 5600
 between FRESNO, ROLINDA, Kerman,)
 TRANQUILITY and SAN JOAQUIN.)
 :
)

H. A. Encell for Applicant
 Frank B. Austin, for Protestant
 Southern Pacific Co.
 J. R. Allen, for Protestant
 American Railway Express.

BY THE COMMISSION.

ORDER

C. N. Clark has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of freight and express between Fresno, Rolinda, Kerman, Tranquility and San Joaquin and intermediate points.

A public hearing on this application was conducted before Examiner Satterwhite at Fresno on May 5th, 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" filed with said application and to operate on a time schedule of one round trip daily, using as equipment one 3½-ton truck and one 3-ton trailer in accordance with Exhibit "C" amended at the hearing.

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The Southern Pacific Company and the American Railway Express Company appeared in opposition to the application.

Applicant testified in his own behalf and called several other witnesses who testified to the public necessity of the proposed service.

The applicant is engaged in the ice business at Kerman and he testified that he has received numerous requests from merchants both at Fresno and other points on the proposed route for the transportation of all kinds of goods, wares and merchandise. The evidence shows that there are large shipments of ice and ice cream to the communities within this proposed service.

It was shown that there is great need for rapid transportation of ice on account of its great shrinkage. The shrinkage of ice when transported over the Southern Pacific Railroad is very great and applicant proposes to install a special refrigerating trailer which will greatly decrease the waste in transportation.

The demand for the transportation of fruit, vegetables and groceries is quite large over this proposed route and the consignees of these various shipments have requested the establishment of this service.

The protesting rail carriers introduced their respective rate and time schedules, but it was shown that in the transportation of all perishable goods this proposed auto-truck line would render a more rapid and satisfactory service.

The applicant proposes to make a store-door delivery and it was shown that many wholesalers at Fresno and retail merchants in the other towns along the proposed line have requested this service.

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

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by C. W. Clark of an automobile stage line as a common carrier of freight and express between Fresno, Rolinda, Kerman, Tranquility and San Joaquin and intermediate points.

Provided, however, that the rights and privileges herein authorized may not be transferred nor assigned unless the written consent of the Railroad Commission to such transfer or assignment has first been procured.

IT IS HEREBY ORDERED that applicant file with the Railroad Commission within ten days from the date of service of this order a written acceptance of the certificate herein granted, such acceptance to contain advice as to the date upon which service will be commenced, which date shall not be more than 90 days from the date of service of this order.

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

Dated at San Francisco, California, this 27th day of May, 1920.

Edwin O. Edgerton
H. D. Loveland
Frank R. Miller
David W. Martin

Commissioners.