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Decision No. 7647

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the APPLICATION of)
 GEO. HARM for certificate of public :
 convenience and necessity to operate) Application No. 5346
 auto truck and express service as a)
 transportation company between Fresno :
 and Coalinga.)

H. A. Encell for Applicant
 Frank B. Austin for Protestant
 Southern Pacific Company
 Newton Johnson for Fresno-
 Coalinga Stage Company.
 J.R. Allen for American Ewy Express.

BY THE COMMISSION.

ORDER

Geo. Harm 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 and Coalinga by way of Helm 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 two 2-ton White trucks and such further equipments may be necessary.

The Southern Pacific Company and the American Railway Express Company protested the granting of this application. Applicant testified in his own behalf and called other witnesses in support of the proposed service.

It is the purpose of applicant to maintain a store-door and pick-up delivery in connection with terminal depots at Fresno and Coalinga. It was shown that the merchants at Coalinga do most of their buying at Fresno and that there is a need for this proposed service to transport all kinds of merchandise to Coalinga and intermediate points.

There is a large demand for ice cream from May to October and about two tons of ice cream are shipped daily to Coalinga as well as a large supply of milk. Evidence was given to the effect that large consignments of fruit and vegetables are made to Coalinga and that this proposed service offers a more rapid transportation of the same.

It was shown that the merchants and business men not only at Coalinga but along the proposed route have requested this service and that there is a public necessity for the same.

The protesting rail carriers introduced their tariff and time schedules as well as a daily average pounds of freight carried by them to Coalinga and way points. There was testimony to the effect, however, that the deliveries of the protesting rail carriers have been delayed and that many complaints have been made from time to time. The testimony showed that the proposed service will be able to transport ice cream and other perishable goods more promptly.

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 Geo. Harm of an automobile stage line as a common carrier of freight and express between Fresno and Coalinga by way of Helm 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 C. Edgerton
H. L. ...
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Commissioners.