

ORIGINAL

Decision No. 7757

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

--000--

In the Matter of the Application)	
of W. C. Wilkinson for a certi-)	
ificate of public convenience and)	
necessity to operate an automobile)	APPLICATION NO. 5539
passenger and express service be-)	
tween Merced and Mariposa via)	
Planada.)	

W. C. Wilkinson, in propria persona
 J. J. Griffin and L. T. Nolan for
 C.A. and C.C. Schlagoter, protestants.

BY THE COMMISSION:

O R D E R

W. C. Wilkinson by this application seeks a certificate of public convenience and necessity for the operation of an automobile stage service between Merced and Mariposa for the transportation of passengers and express.

A public hearing was held on the application before Examiner Geary at Merced, Tuesday June 15, 1920, and the matter having been duly submitted is now ready for a decision.

There were attached to the application schedules showing proposed rates, time table of operations and statement of equipment to be used. Applicant appeared on his own behalf without any supporting witnesses and merely made an explanation of the kind of service to be rendered and the convenience which proposed service would give to the traveling and shipping public. There had been no check made of the possible traffic to be secured and with the exception of interviewing three or four parties, no canvass was made of the directly interested firms shipping package freight which this applicant proposed to handle.

C. A. and C.C. Schlageter who are now operating a passenger and express service between the points in question protested the granting of the application. By Decision No.7207 in Application No.5052 dated March 2, 1920, the Schlageters were authorized by this Commission, after a proper showing, to operate a common carrier stage service between Merced and Mariposa. Their line is now fully established and performing the service in connection with a U. S. Mail contract. The testimony of protestants and of eight witnesses who appeared in their behalf was to the effect that the schedules now being operated were sufficient to meet all of the public needs in the territory. The territory involved has a very limited population and on the round trip there is an average of but two to three passengers handled per day and the net profits of the company at this time of the year, when the roads are in good condition and the travel at its maximum, is but from \$100.00 to \$125.00 per month which does not include any depreciation on the equipment employed in the service. It is very apparent from the testimony of protestants that an automobile service could not be maintained without the assistance given by reason of the U. S. Mail contract. To permit a second company to operate as a common carrier in the territory would not be to the public benefit but would probably result in the failure of both companies, leaving the public without any service whatever.

The Commission in reaching its conclusion in a situation of this kind must consider not only the protection of the capital investment of the certified operator but also the welfare of the traveling public.

The evidence introduced in this proceeding fails to show that there is any public convenience and necessity for a second automobile stage line between Merced and Mariposa and we are therefore 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 W. C. Wilkinson of an automobile stage line as a common carrier of passengers and express between Merced and Mariposa .

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

Dated at San Francisco, California, this 19th day of June, 1920.

Edwin O. Edgerton
H. D. Leonard
Allen Nelson
H. C. Brundage
Dwight Wharton
COMMISSIONERS