

Decision No. 7939

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application of
D. A. Millard and T. G. Harris, doing
business under the name and style
of Modesto-Oakland-San Francisco Motor
Truck Company, for certificate of public
convenience and necessity to operate
freight and express service between
Modesto, Oakland, San Francisco and
certain cities and towns situated be-
tween said first named cities.

APPLICATION NO. 5753.

F. B. Scott, for Applicant.
E. N. Bradshaw, for Southern Pacific Company, Protestant.
(G. H. Baker, for Atchison, Topeka & Santa Fe Ry. Co., Protestant.
(Platt Kent,
J. R. Allen, for American Railway Express Co., Protestant.
W. J. Quinn, for White Bus Line, Protestant.

BY THE COMMISSION:

OPINION

D. A. Millard and T. G. Harris, doing business under
the name and style of Modesto-Oakland-San Francisco Motor Truck
Company, having made application to the Railroad Commission
petitioning for a certificate of public convenience and necessity
to operate freight and express service between Modesto, Oakland,
San Francisco and certain cities and towns intermediate thereto,
a hearing was held before Examiner Geary Friday, June 18, 1920 at
2.p.m. and the matter is now ready for an opinion and order.

T. G. Harris, one of the applicants, testified that he

had interviewed Modesto merchants who stated they wish the service because it would be an improved service. Harris also testified that he had not called on any one at San Francisco or at intermediate points and ~~there was no evidence that~~ there was no evidence that public convenience and necessity would be served by the creation of the service proposed.

No shippers or receivers of freight testified, and the Commission has repeatedly held that the desire of an applicant to enter the business of a transportation company, as defined by Section 1 of Chapter 213, Statutes 1917, amended by Chapter 280, Statutes 1919, is not a measure of public convenience and necessity.

On the other hand, protesting carriers testified that they had interviewed merchants at various points and had found no complaint against the service rendered by them. Exhibits filed and uncontroverted testimony offered by protesting carriers was to the effect that the present service is adequate, therefore the Commission determines that public convenience and necessity does not require the establishment of the service proposed and that the application should be denied.

O R D E R

IT IS HEREBY ORDERED that the application of D.A. Millard and T.G. Harris, co-partners, doing business under the fictitious name of Modesto-Oakland-San Francisco Motor Truck Company, be denied, for the reason that public convenience and necessity do not require the

establishment of the service proposed.

Dated at San Francisco, California, this 2^d day of ~~July~~ ^{August}, 1920.

Edwin O. Edgerton
A. H. Loveland
Edmund R. Verby

Commissioners.