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Decision No. 8038

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of )  
 E. H. SPREHN, doing business under )  
 the fictitious name of Seal Beach )  
 Auto Dispatch, for certificate of )  
 public convenience and necessity ) Application No. 5819  
 to operate motor freight service )  
 between Los Angeles and Artesia, )  
 Westminster, Smeltzer, Wintersburg, )  
 Newport Beach and Balboa. )

W. C. Snyder for Applicant  
 G. F. Squires for Pacific Electric Rwy, Protestant  
 J. J. McGinnis for Southern Pacific Co. "

BY THE COMMISSION.

ORDER

E. H. Sprehn, doing business under the fictitious name of Seal Beach Auto Dispatch, 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 between Los Angeles, Artesia, Westminster, Smeltzer, Wintersburg, and intermediate points.

A public hearing on this application was conducted before Examiner Satterwhite at Los Angeles on July 2nd, 1920, the matter was duly submitted and is now ready for decision. The application was amended at the hearing eliminating the towns of North Beach and Balboa.

The Southern Pacific Company, Pacific Electric Railway Company and the American Railway Express Company protested the granting of this application.

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 excepting Sundays, using as equipment one 2½ ton truck.

The applicant testified in his own behalf and called several witnesses consisting of merchants and business men residing in the various towns along the proposed route. The applicant is now operating an auto truck freight service between Los Angeles and Anaheim Landing by way of Los Alamitos, Seal Beach and Huntington Beach and it is proposed to operate this route in combination with his present service.

The evidence shows that the various merchants and business men along this route do most of their buying at Los Angeles and have requested applicant to establish the proposed service for the reason that it is quicker and more economical.

Applicant now maintains a terminal at Los Angeles and will operate a free pick-up and delivery service. It was shown that there is considerable delay in transportation of freight by way of the rail carriers by reason of the fact that only platforms are maintained at Westminster, Smeltzer and Wintersburg and that it takes from two to four days to secure delivery of freight over the Southern Pacific Company's lines.

The protesting rail carriers offered in evidence their respective time and tariff schedules but introduced no other evidence. The Southern Pacific Company maintains only a tri-weekly service and it was shown that the growing communities

along this proposed line are in need of a daily service.

After a careful consideration of the evidence, we are of the opinion and find as a fact that the public convenience and necessity will be served by the granting of the above named application.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by E. H. Sprehn, doing business under the fictitious name of Seal Beach Auto Dispatch, of an automobile stage line as a common carrier of freight between Los Angeles, Artesia, Westminster, Smeltzer, Wintersburg, and intermediate points.

Provided, however, that the rights and privileges hereby 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 no vehicle may be operated under this certificate unless such vehicle is owned by 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 27<sup>th</sup> day of August, 1920.

Edwin P. Edgerton  
W. H. Loveland  
Frank K. Brown  
H. W. Brundage

Commissioners.