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Decision No. 8084

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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**ORIGINAL**

In the Matter of the Application of  
SAN JOAQUIN LIGHT AND POWER CORPORA-  
TION for a certificate of public  
convenience and necessity authorizing  
it to operate auto trucks and auto  
stages for the transportation of  
persons or property on certain public  
highways in the State.

)  
:  
) Application No. 5226  
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)

Murray Bourne for Applicant  
E. A. Williams for Kings River  
Transportation Co.- Protestant.

BY THE COMMISSION.

ORDER

The San Joaquin Light and Power Corporation has petitioned the Railroad Commission for an order authorizing it to operate automobiles, auto trucks, and auto stages for the transportation of only its employees or those having business with applicant and the property to be transported of such persons for compensation between Fresno and Maxsons and thence along the general course of the North Fork of Kings River to the proposed camps and locations of said applicant and intermediate points.

A public hearing on this application was conducted before Examiner Satterwhite at Fresno on May 14, 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 marked Exhibit "B" attached to said application,

and using whatever equipment may be necessary.

The Kings River Transportation Company protested the granting of this application. R. C. Starr, a construction engineer, in charge of construction for the applicant testified in support of the application.

The applicant is now engaged in the construction of the Kings River project which will consist, when completed, of six hydroelectric generating plants on the North Fork of the Kings River. The definite location of these plants has not yet been determined. The applicant now is engaged only in its road construction and is transporting only such men and material as are necessary for this work. It was shown that it will require at least ten years or more to complete this project.

The necessary employees of applicant will be procured chiefly from the City of Fresno and thence conveyed to the various proposed construction camps located along the private roads of applicant beyond Maxsonsor Trimmer. The jurisdiction of this Commission to grant or deny this application ends at Maxsons, where the public highway terminates. Applicant is now employing about 30 men and is conveying to its construction camp near Maxsons not more than ten men a day and will not carry many over that number for sometime.

The roads which the applicant is now constructing beyond Maxons are its own private roads and applicant indicated emphatically at the hearing that these roads would remain private and that no one would be granted a permit to use them. The Commission may only give consideration to that portion of the proposed line and service within its jurisdiction between Fresno and Maxsonsor Trimmer over which the applicant desires a certificate to operate its automobiles, and trucks for compensation.

The Kings River Transportation Company, protestant, is operating under a certificate granted by this Commission under Decision

No. 6609, between Fresno and San Joaquin Light and Power Corporation's Camp No. 2, which camp is at Maxsons. The protestant showed that ever since August 29, 1919, he had been maintaining a good, sufficient and satisfactory service over the route between Fresno and Maxsons and at all times had been fully equipped and is now fully equipped to carry all the traffic over this established route. Protestant further showed that in the future he will be ready at all times to adequately handle all traffic that is offered by reason of the fact that the Kings River project will necessitate the transportation of an indefinite number of passengers and considerable freight.

The protestant also showed without contradiction that if this application is granted its business would be absolutely destroyed and that it would be compelled to discontinue its service. This Commission has frequently held that an affirmative showing must be made as to the public convenience and necessity for additional transportation facilities before a competing carrier will be authorized to operate over a route already adequately served. The applicant in this proceeding did not offer any evidence whatever to show that the transportation facilities of the protestant are inadequate or unsatisfactory. The chief reasons advanced by the applicant for the granting of this application were that they could transport their passengers and property more swiftly and economically on account of the control of their private roads over which they would not permit the protesting carrier to travel.

After a careful consideration of the evidence, we are 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 SAN JOAQUIN LIGHT and POWER CORPORATION of automobiles, auto trucks, and auto stages for the transportation of only its employees and those having business with applicant and the property to be transported of such

persons for compensation between Fresno and Maxsons.

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

DATED at San Francisco, California, this 13<sup>th</sup> day  
of September 1920.

Edwin O. Egerton  
H. D. Loveland

H. A. Brundage

Commissioners