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Decision No. 8111

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of)
 J. P. TUCKER for certificate of)
 public convenience and necessity to :
 operate auto truck freight service :
 between Los Angeles, Chatsworth Park,) Application No. 5846
 Santa Susana, Simi, Moor Park, Somis, :
 and intermediate points.)

G. P. Adams for Applicant
 Moss & Forrest by Earl Moss for
 Protestant, Los Angeles & Oxnard Daily Express,
 B. J. Cross & A. F. Bowles for Southern Pacific Co,
 Protestant,
 M. Thompson for American Railway Express, Protestant.

BY THE COMMISSION.

ORDER

J. P. Tucker has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile truck line as a common carrier of freight between Los Angeles, Chatsworth Park, Santa Susana, Simi, Moor Park, and Somis and intermediate points.

Public hearings on this application were conducted before Examiner Satterwhite at Los Angeles on July 13th and July 17th, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with a schedule marked Exhibit "A", attached to the application and to operate on a schedule of one round trip daily except Sundays using as equipment one two ton Winton truck.

The Southern Pacific Company, The American Railway Express and the Los Angeles & Oxnard Daily Express protested the granting

of this application.

Applicant relies chiefly as justification for the granting of the desired certificate upon the alleged fact that the service of the Los Angeles & Oxnard Daily Express, operating through the points named is totally inadequate to meet the needs of the various merchants requiring the proposed service.

Applicant is now operating a motor freight service between Los Angeles, Saticoy and Santa Paula under Decision No. 7467 of this Commission rendered April 21, 1920.

Applicant testified in support of the application and called several witnesses who reside along the proposed route.

The testimony shows that prior to the granting of the above named certificate between Los Angeles and Santa Paula, the applicant for several years had been hauling from time to time for several merchants along the proposed route and had rendered a satisfactory service.

Two or three of applicant's witnesses testified to the effect that there was sufficient business to justify the granting of this additional service but none of these witnesses furnished any data upon which they base their opinion. The Los Angeles & Oxnard Daily Express have been operating a motor freight service under the authority of this Commission since April 9, 1920, and introduced testimony to the effect that they are fully equipped and are rendering an adequate service and are able to take care of all freight traffic offered over this line.

Exhibits were introduced in evidence by this protestant showing the volume of, and the revenue from the business handled by the applicant for many months prior to May 15, 1920, as well as the volume of, and revenue from the business handled by this protestant, since his authorized service over this route.

The Southern Pacific Company and American Railway Express Company also offered in evidence their rate and time schedules as well as the local freight service along this proposed route and gave

testimony to the effect that they were handling all traffic offered in a satisfactory manner.

After a careful consideration of all the testimony in this case, we are of the opinion and find as a fact that the Los Angeles and Oxnard Daily Express are rendering a satisfactory and adequate service and are amply equipped to take care of all the traffic offered and that the application should be denied.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity does not require the operation by J. P. TUCKER of an automobile truck line as a common carrier of freight between Los Angeles, Chatsworth Park, Santa Susana, Simi, Moor Park, and Somis and intermediate points.

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

Dated at San Francisco, California, this 16th day of September, 1920.

A. J. Longland
Frank D. Wain
H. B. Brundage
COMMISSIONERS