

upon T. R. Rex, operating between Los Angeles, San Bernardino and Colton, refrained from protesting, and no protest was made except on behalf of the Southern Pacific Company and Boutell & Fuqua, operating under the fictitious name of Coachella Valley Transportation Company, hereinafter referred to, for convenience, as the Coachella Company.

The carriers now serving in the territory in question are the Southern Pacific Company, serving by rail all of the points as well as Los Angeles, ^{and} points east and south of Mecca, and numerous other points in the State of California; the Coachella Company, serving all of the points except San Bernardino by means of its present line between Los Angeles and Mecca via Riverside and also via Colton, with an application to the Commission for authority to extend its operations between Colton and San Bernardino, which application has been heard and is now under submission.

Shippers from San Bernardino, Colton and Coachella testified concerning service by present carriers. The testimony does not show any complaint against the service of the Southern Pacific Company, except that it does not furnish a pick-up and delivery in connection with its rail service. Their testimony showed complaints against the service of the Coachella Company on account of delays in delivery, loss of or damage to goods, and, in one instance, delay in remitting for c.o.d. collection. It also appeared that these delays were caused by a flooded condition of the road between Thermal and Mecca, which at times required shipment by rail around the flooded area, and that no claims had been made for lost or damaged goods referred to in the direct testimony although drivers had authority to settle such claims upon presentation. These complaints are principally of a character which can be readily obviated or satisfied by the carrier.

There was no testimony tending to show that goods had been refused transportation. In this instance, the complaints are not sufficient to show that public convenience and necessity require additional service because of them. The Coachella Company operates six trucks and six trailers in its present authorized service and should be able to adequately care for the business.

It appears from the testimony that L. A. Jones, one of the applicants, began operating a truck between San Bernardino, Colton and Mecca without authority and without knowledge, he claimed, that the law required previous authority for such operation, but that the Commission advised him of the provision of the law and notified him about December 1st^{1920,} to quit operating; yet he continued, nevertheless, in defiance of the law and of the Commission's order, until about the time this application was filed on February 21, 1921. He testified, in attempted justification of his operation, that after being ordered by the Commission's inspector to quit he had been advised by some other truck man that he had a right to operate and that he supposed he had from the fact that he confined his operation to straight loads. The law does not give any person any more right to transport straight loads or truck loads than it does to transport smaller quantities. The Act applies to those "in the business of transportation of persons or property, or as a common carrier, for compensation, over any public highway in this State between fixed termini or over a regular route, and not operating exclusively within the limits of an incorporated city or town or of a city and county", excepting only taxicabs, hotel busses or sightseeing busses,^{or other carriers} not within the definition. Those interested in the matter will always find it far safer to follow the advice of the Commission, which is engaged in interpreting and applying the law, rather than that of truck drivers or others who may have ulterior motives or interested reasons for

