

HBH

Decision No. 9552

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the matter of the application )  
of S.B. COWAN for certificate of )  
public convenience and necessity )  
to operate freight truck service )  
between Santa Ana and Tustin and )  
Sugar. )

Application No. 7095.

H.W. Kidd, for S.B. Cowan, applicant.  
B.J. Cross, for Southern Pacific Railway Company,  
protestant.  
T.A. Woods, for American Railway Express Company,  
protestant.

BY THE COMMISSION:

O P I N I O N

S.B. Cowan, operating under the title of Triangolo Orange County and Santa Ana Express, has applied to the Railroad Commission for a certificate of public convenience and necessity to operate as a common carrier of freight between Santa Ana and Tustin and Sugar.

A public hearing was held by Examiner Williams at Los Angeles.

At this hearing, applicant amended his application by substituting the word "Dyer" for "Sugar", this giving the true name to one of the points of operation. The amendment was permitted.

Applicant has been serving Tustin and Dyer for several years and has established a large business, his route

returning to Santa Ana being by way of New Delhi, also known as Gloriana postoffice. This operation has not been by authority of the Commission, though applicant testified it was begun in April, 1916. The operative rights herein sought were included in applicant's application No. 6570, and were denied by Decision No. 9330. It is now explained that applicant eliminated Tustin and Dyer (called also Sugar Plant) at the hearing of application No. 6570, because he was not prepared to support his request for these points.

The testimony in the present application sufficiently supports it and justifies, at this time, granting the application. The operation requested is now, and for years has been established, and shippers of Tustin, Dyer, and New Delhi are dependent on it. Mr. E.A. Mahor, Traffic Manager of the Southern California Sugar Company and the Holly Sugar Company, of Dyer, testified as to the need of this service for more prompt shipments of less than carload quantities and stated that the business of the sugar companies alone was a large proportion of applicant's entire business at Dyer. J.E. Marcinek, Manager of Delivery at Bullocks Department Store, Los Angeles, testified that applicant handled satisfactorily seven shipments daily to the Tustin region, and that his service was necessary for such purposes. Applicant presented shipping bills showing 110 shipments from Los Angeles to Tustin in August, 1921, 28 shipments to Dyer in June, 1921, and 50 shipments to New Delhi in June, 1921.

Applicant proposes to establish the same rate to this service that he now charges on shipments to Santa Ana. Two of the points named are contiguous to the city limits of Santa Ana, and the service to them may be regarded as suburban.

Protestant, Southern Pacific Railway, introduced no testimony other than its rates and time tables. It maintains daily service to Dyer and Tustin. An agent is maintained at Tustin. Protestant, American Railway Express, introduced no testimony. Neither protestant, however, can supply the expeditious delivery and pickup maintained by applicant.

O R D E R

S.B. Cowan having applied to the Railroad Commission for a certificate of public convenience and necessity to operate freight truck service between Santa Ana, Tustin and Dyer, and a public hearing having been held and the matter being duly submitted and being now ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
HEREBY DECLARES that public convenience and necessity require operation of freight truck service between Santa Ana, Tustin and Dyer over the following route:

By main highway to Tustin, thence by main highway to Dyer and returning over main highway by way of New Delhi, also known as Gloriana postoffice,

and that a certificate of public convenience and necessity therefor be and the same is hereby granted, subject to the following conditions:

- I - That applicant, S.B. Cowan, shall file within ten (10) days from date hereof, his written acceptance of the certificate herein granted, and shall file within twenty (20) days of the date hereof, duplicate tariff of rates and time schedules, in accordance with General Order No. 51 of the Railroad Commission.
- II - That applicant, S.B. Cowan, shall not sell, lease, assign or discontinue the service herein authorized, unless such sale, lease, assignment or discontinuance shall have been authorized by the Railroad Commission.

III - That no vehicle shall be operated by applicant unless such vehicles are owned by said applicant, or are leased under an agreement satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 23<sup>d</sup>

day of September, 1921.

H. J. Lowland  
Erving Martin  
Charles H. Brown

Commissioners.