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Decision No. 9686

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of )  
BERT SIMMONS and OLIN C. SIMMONS )  
for certificate of public convenience ) Application No. 7097.  
and necessity to operate passenger )  
and express service between San Diego )  
and Lakeside, California. )

C.E. Burch, for applicants  
W.E. Libbey, for Pickwick Stages, Protestant  
F.B. Dorsey and E.F. Bennett, for San Diego and  
Arizona Railway, Protestant  
T.A. Woods and C.A. Townsend, for American Railway  
Express Company, Protestant.

BY THE COMMISSION:

O P I N I O N

Bert Simmons and Olin C. Simmons have applied to the Railroad Commission for a certificate of public convenience and necessity to operate passenger and express service between San Diego and Lakeside.

A public hearing was held by Examiner Williams at San Diego.

Besides applicants, two witnesses were brought to show the public need of this service. Its new feature was a late night service from San Diego. The witnesses also believed that the schedules of the present authorized carriers, Pickwick Stages and the San Diego and Arizona Railway, were not adequate, especially in lack of night service.

As against this showing, protestants, the carriers

named, presented witnesses and documents clearly showing that there was only a small demand for the service proposed and that traffic was adequately cared for by them, and that night service was unnecessary. A traffic check by the Pickwick Stages showed that it carried 202 passengers during a six month period (April to September, 1921), an average of about eight daily, while its record showed 45 percent of the seats unoccupied.

Protestant, San Diego and Arizona Railway, maintains three trains daily, one of which is a school train.

Witnesses from Santee, with a population of about 300, the most populous place to be served, testified to the adequacy of existing service. Mrs. Bessie Mallory, President of the Lakeside Woman's Club, testified that organization voted its satisfaction with present service, preferably that of the rail line. She testified that the community feared too many carriers would ruin the best. H.S. Kibbey, of Santee, testified that a meeting of business men was held and voted 49 to 1 against indorsing any additional carriers.

Petitions were offered by both applicants and protestants, pro and con.

Full consideration of all the facts presented justifies the conclusion that the present service to Lakeside and vicinity is adequate and that there is not public need for another carrier.

#### ORDER

Bert and Olin C. Simmons having applied to the Railroad Commission for a certificate of public convenience

and necessity to operate automobile passenger and express service between San Diego and Lakeside, a public hearing having been held, the matter having been duly submitted and being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity do not require the service proposed by applicant herein, and

It is further ordered that the application herein be and the same is hereby denied.

Dated at San Francisco, California, this 31<sup>st</sup> day of October, 1921.

H. P. Prudig  
H. P. Prudig  
James M. Austin  
Charles H. Bowen  
H. P. Prudig  
Commissioners.