

Decision No. 9696

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of J. E. EASTMAN for certificate of public convenience and necessity to operate an automobile truck freight transportation service between Calexico, Imperial County, Cal., and Los Angeles, Los Angeles County, Cal., and intermediate points.

ORIGINAL

Application No. 7249.

D. C. Bitler for Applicant.
S. W. Thompson for Thomas Morgan.
H. W. Kidd and Rex Hardy, by Rex Hardy,
for Curphey Truck Line, T. R. Rex,
G. E. Galbreath, operating Chino
Express, and R. G. Kagaris, oper-
ating Keystone Express.
L. N. Bradshaw for Southern Pacific Co.
T. A. Woods for American Railway Express
Company.

BY THE COMMISSION.

O P I N I O N

A public hearing was held by Examiner Westover at Los Angeles on the above application to operate a freight truck service between Los Angeles and Calexico, via Beaumont, and other intermediate points; the equipment consisting of one Moreland 2½ ton truck, the schedule providing for three round trips per week.

It appears from the testimony of applicant that he was associated with A. H. Wetzel in transporting freight over the route described in the application, that freight was solicited at Imperial Valley points and some in Los Angeles, and rates per hundred pounds quoted to various shippers, goods received, transported and delivered and transportation charges paid for pursuant to such solicitation and quotation of rates; that he and his truck

were employed by A. H. Wetzel, there being no partnership between them; that upon hearing that the operation described was probably illegal, he went to the Commission's office in Los Angeles about September 30th, and was there advised that the operation was illegal, and that he thereupon quit, having made a total of some six or eight trips. It further appears in evidence, however, that the "Imperial Valley Press" of October 6, 1921, carries a notice signed by Mr. Eastman to the effect that he had severed connections with Mr. Wetzel and would not pay any bills contracted by him, but that he, Eastman, was running to Los Angeles two trips a week as "The Desert Express", and giving the address of his El Centro and Los Angeles offices.

It must be apparent to those interested that, if public convenience and necessity for the proposed service is shown and there are several applicants for authority to render the public service shown to be needed, the Commission would naturally, under ordinary circumstances, not select for the performance of the service one who had violated the laws of the State and the rules and orders of the Commission if the public service could be equally well rendered by one who had not engaged in illegal operations.

The facts relating to public convenience and necessity here proposed to be served are sufficiently shown by the Commission's decision in Application No. 6682, to which reference is hereby made.

ORDER

A public hearing having been held on the above entitled application, the matter being submitted and now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require that J. H. Eastman operate a

freight truck service between Los Angeles and Calexico and intermediate points via Beaumont, or over any portion of said route.

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

Dated at San Francisco, California, this 4th day of November October, 1921..

H. A. Gindige
H. D. Sullivan
J. W. Martin
Charles H. Brown
J. F. Anderson
Commissioners.