

Decision No. 25984.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CHARLES E. SMITH, doing business
under the name and style of ALLISON
AUTO EXPRESS for a certificate of
public convenience and necessity to
operate an automotive transportation
service as a common carrier for the
transportation of automobile supplies
and accessories, cigars and tobacco,
radio receiving sets and accessories,
and refrigerators and refrigerator
parts, both electric and gas between
Los Angeles and Long Beach serving
intermediate points including Walnut
Park, South Gate, Lynwood, Watts,
Compton and North Long Beach.

Application
No. 18733.

Rex W. Boston for Applicant.

R.E. Wedekind for Pacific Electric Railway and
Pacific Motor Transport Company, Protestants.

F.C. Athearn and Douglas Brookman for United Parcel
Service Inc. of Los Angeles, Protestant.

H.W. Hobbs for Southern Pacific Company, Protestant.

Wallace K. Downey for Motor Freight Terminal
Company, Protestant.

H.P. Merry for Rice Transportation Company,
Protestant.

J.R. Zimmerman for City Transfer & Storage Company,
Protestant.

Martin H. Richards for Richards Trucking and
Warehouse Company, Protestant.

A.F. Zimmerman for Zimmerman Bros. Transfer & Storage
Company, Protestant.

BY THE COMMISSION:

OPINION

Charles E. Smith conducting property transportation
between Long Beach and Los Angeles under the name of Allison Auto
Express, has made application for a certificate enlarging his

operating rights to include certain intermediate points and additional commodities.

Applicant's operation has been conducted as a fast motor service between Los Angeles and Long Beach since April 3, 1920 and since that period has served only the terminals for the transportation of automobile supplies and accessories, and cigars and tobacco. Applicant now proposes to serve the intermediate points of Walnut Park, South Gate, Lynwood, Watts, Compton and North Long Beach (a portion of the City of Long Beach) and carry all the commodities originally authorized and, in addition, radios and refrigerators. An additional demand for rubber goods, N.O.S., was withdrawn by applicant.

A public hearing was conducted by Examiner Kennedy at Los Angeles on May 17, 1933.

Applicant testified that he had a number of requests from shippers and consignees at both terminals for the additional service. Applicant now uses two trucks and makes two round trips daily between termini. In support of his application, applicant presented several witnesses who use his service at the present time between Los Angeles and Long Beach, but it developed from their testimony that applicant also has been serving, for many months, the intermediate points sought in the present application. After these witnesses had testified that service had been maintained to the intermediate points, applicant Smith admitted that for approximately four years he had been transporting such shipments at various rates and that he had only desisted in February 1933 after being legally advised that his operation was without proper authority. Upon this advice he filed the instant application.

It also developed that applicant Smith has been transporting between termini for the Lang Transportation Company,

Colyear Motor Sales Company and Curtis and Christensen, of Long Beach, on a monthly reduced basis for service in both directions without any such rate having been filed in his tariff, which applicant admitted and excused on the ground that he had to meet the competition of an alleged purchasing agency, which operated motor vehicles without certificate from this Commission.

While the witnesses produced by applicant bore testimony to the efficiency of his service and their desire to have him serve intermediate points, the record discloses that there already were four daily services by motor truck to practically all of the points and each giving at least two schedules each way daily. It also shows that the operations are not being conducted profitably nor is the operation of applicant between termini, even with the addition of the earnings by serving intermediates without authority. Many of the witnesses who appeared for applicant testified that they had used the services of the other carriers to intermediate points with satisfaction. There seems to have been no complaint as to the rates charged by any service, except the alleged discrimination favoring three Long Beach shippers, already noted.

The record does not justify the enlargement of rights as sought by applicant, first, for the reason that intermediate points now have more automobile service than they can support with profit to the operators, and second, because if there was room for additional service applicant has disqualified himself by having conducted the operation for a long period, as he admitted, knowing that the same was not authorized by his certificate, and has admitted rate discriminations. The record presents no adequate reason for enlarging the right applicant possesses and thus injuring the other carriers against whom there is apparently no complaint as to the adequacy of service. The application will

be denied.

O R D E R

Charles E. Smith, operating under the name of Allison Auto Express between Los Angeles and Long Beach, having made application for authority to extend his certificate to the intermediate points of Walnut Park, South Gate, Lynwood, Watts, Compton and North Long Beach and to add to the commodities authorized heretofore, the transportation of radio receiving sets and accessories, boxed or crated, and refrigerators and refrigerator parts, electric or gas, boxed or crated, a public hearing having been held, and the matter having been duly submitted,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity do not require the establishment and operation of the automotive service proposed herein, and

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

Dated at San Francisco, California, this 24th day of

May 1933.

O. Leary

M. J. Lee

M. B. Harris

W. H. Harris
Commissioners.