

Decision No. 29833.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
P. L. TRANSPORTATION COMPANY, a )  
corporation, for a certificate of )  
public convenience and necessity to )  
operate vessels for the transporta- )  
tion of property for compensation )  
between points in the State of Cali- )  
fornia. )

ORIGINAL

Application No. 20200.

ADDITIONAL APPEARANCE

Gwyn H. Baker, for Marine Service Corporation, protestant.

BY THE COMMISSION:

OPINION ON REHEARING

P. L. Transportation Company is a corporation operating as a common carrier by vessel between certain points in California. By Decision No. 28494 of January 18, 1936, in the above entitled application, it was denied a certificate of public convenience and necessity authorizing an extension of its operative rights to permit the transportation of property by vessel between Humboldt Bay ports on the one hand and certain central and southern California ports on the other hand. Thereafter, upon applicant's representation that it had additional evidence to present, a rehearing was granted and the matter was heard at Eureka before Examiner Freas. Subsequent to the rehearing applicant filed an amended application limiting the authority sought to the transportation of property between Eureka and Vallejo.

In justification of its amended application applicant alleges that Pacific Lumber Company, a corporation, has heretofore transported

property by vessel between Eureka and Vallejo for itself, and under private contracts for others, but is no longer able or willing to continue such operation. In the event this application be granted applicant expects that Pacific Lumber Company and persons who heretofore have utilized the contract service will patronize the proposed common carrier service.

The only evidence introduced concerning transportation between Vallejo and Eureka was the testimony of C. G. Cloney, manager of L. B. Campton Company. This witness testified that his company is the Eureka distributor for the Sperry Flour Company, and that as such it receives on consignment from Vallejo from 400 to 500 tons of grains, flour and cereals each month. He stated that during the last two years service by vessel has been unsatisfactory in that operators have failed to call at Vallejo when higher class freight was available elsewhere, that they have neglected or refused to notify him of sailing dates in sufficient time to have the merchandise prepared for shipment, that in many instances the vessels now used are too small to accommodate his shipments which often amount to 150 or 200 tons, and that in some instances the cargoes have arrived in a damaged condition when wooden vessels were used. He expressed a preference for vessel service when dependable, asserting that it is more economical than rail transportation under existing rates and that adequate truck service is not available. He conceded that movements from Vallejo to Eureka are confined almost entirely to Sperry products. The witness did not know what kind of service applicant was prepared to render, and was unable to state that it would be more frequent or dependable than the service of present operators.

Beadle Steamship Company and Marine Service Corporation protested the granting of the application.

The record on rehearing is not persuasive that there is a public need for the proposed service. The fact that the facilities and service afforded by present vessel operators may be unsatisfactory to a particular shipper or that rates of rail carriers are deemed excessive is not sufficient in itself to warrant the certification of a new carrier. It must appear that there is a need for additional service, and that the applicant is in a position to fill this need properly. The record is deficient in these latter respects and the application must therefore be denied.

O R D E R

This matter having been duly heard and submitted,

IT IS HEREBY ORDERED that Application No. 20200, as amended, be and it is hereby denied.

Dated at San Francisco, California, this 7<sup>th</sup> day of June, 1937.

W. L. ...  
John ...  
Frank ...  
Robert ...  
Ray & Riley  
Commissioners.