

Decision No. 32307

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of DAVE WILLIS for certificate of public convenience and necessity to operate a tri-weekly automobile passenger, baggage and express service, as a common carrier, between Redding and Carrville and all intermediate points excepting points between Redding and the Tower House. Also amending present Decision Number 30964 from an "on-call" freight service to a tri-weekly service, from Redding to Carrville, excepting points between Redding and the Tower House. Also an "on-call" service from Carrville to Coffee for passengers, baggage, in continuation of proposed schedule.

ORIGINAL

Application No. 22606

R. B. STIMMEL, for Applicant.

GEORGE MANLEY, in propria persona, Interested Party

GLENN D. NEWTON, for Clarence M. Marshall and Rufus A. King, Protestants.

BY THE COMMISSION:

O P I N I O N

By his application, as amended, Dave Willis, an individual, seeks authority to establish and conduct a service as a highway common carrier, as defined by section 2-3/4, Public Utilities Act, between Redding and Carrville and intermediate points, as heretofore granted by Decision No. 30964, dated June 13, 1938, on Application No. 21642, so as to provide twice weekly service between termini instead of the "on-call" service now being rendered.

A public hearing in this proceeding was had before Examiner McGettigan in Redding, on June 27, where testimony was taken, the matter submitted on briefs duly filed with the Commission, and is now ready for decision.

In this original application, filed March 3, 1939, applicant Willis sought authority to transport passengers, baggage, and express as far as Coffee, a point beyond Carrville, in addition to his current freight service, palpably an enlargement and extension of his existing operative rights. At the hearing, however, Willis amended his application so as to eliminate the request for authority to transport passengers, baggage and express, thus confining the application to the establishment of a twice-weekly freight service in lieu of an "on-call" service.

The present application was consolidated for hearing with that of Clarence M. Marshall and Rufus A. King (Application No. 22768) who are seeking a certificate of public convenience and necessity to transport passengers, baggage, express and freight, limited to shipments of 1,000 pounds or less, between the same points. These applicants protested the granting of the Willis application.

In support of the instant application, no witness other than applicant Willis was called. In his testimony, Mr. Willis revealed that during the months of May, June and July he averaged about three trips per week; during August, September and October, he averaged about two trips per week and dropped to once a month or occasionally once every two weeks during the winter months of November, December, January and February, with little increase as a rule during March and April. From these statements, it appears that on an average throughout

the year applicant's present service would closely approximate the twice-weekly service now proposed. In fact, applicant testified there would actually be no increase in service under his new proposal; in reality, he would be making fewer trips. From the record, it appears that applicant himself, is not convinced as to the desirability of establishing a year-round twice-weekly service, since he testified it would be better on the whole to continue the service on its present basis. This is due to the fact that apparently he has been operating on the basis of truck load lots; and is traceable to the extent and scope of his operations as a highway contract carrier, (permit No. 53-4)⁽¹⁾ particularly to several mines in this district,⁽²⁾ which require him to travel as far as ten miles off the main highway. Such an operation is considerably beyond the scope of his certificate, would interfere with any regularly scheduled service, and undoubtedly has had considerable to do with his apparent change of mind with respect to the establishment of such regular service.

After duly considering the record in this matter, the Commission is of the opinion that no particular benefit would inure to the public through the granting of this application. As a matter of fact, it appears that under the Willis proposal, less service would actually be rendered in the future than is now afforded under the "on call" operation. No showing having been made as to the necessity for a reduction of service, as proposed; it being apparent that under his

(1) He also holds radial highway common carrier permit No. 53-8.

(2) Applicant registered only one oral mine contract with the Commission. Additionally, he has oral contracts with mercantile establishments in Carrville, Trinity Center, Weaverville, and with an oil company in Redding.

present status, applicant is performing a necessary public service; it appearing that this applicant seems to be more interested in his "contract carrier" operations than in his certificated service; and applicant having withdrawn, without explanation, his offer to transport passengers, baggage and express, there is no alternative but to deny the application, and the following order will so provide.

O R D E R

A public hearing in the above-entitled matter having been had, evidence having been received, the matter having been duly submitted, and the Commission being now fully advised:

IT IS HEREBY ORDERED that the application in the above-entitled proceeding be, and it hereby is denied.

Dated at San Francisco, California, this 12th day of September, 1939.

Raymond
Green
Reed
W. H. H.
Justus J. Caener
COMMISSIONERS