

**ORIGINAL**Decision No. 40011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 BAKERSFIELD AND KERN ELECTRIC RAILWAY )  
 COMPANY for a certificate of public )  
 convenience and necessity to establish )  
 a new "Passenger Stage" line to be )  
 known as Virginia-Descanso-East Niles )  
 bus line from 18th and K Street in the )  
 City of Bakersfield to the Virginia )  
 Colony, Descanso Park and East Niles )  
 Tract Subdivisions, adjacent to the )  
 City of Bakersfield. )

Application No. 27596

MACK, WERDEL &amp; BIANCO by D. BIANCO, for applicant

HERBERT CAMERON for The Arvin Lines, protestant

**O P I N I O N**

This is an application of Bakersfield and Kern Electric Railway Company for a certificate of public convenience and necessity to establish and operate a passenger stage line to be known as Virginia-Descanso-East Niles bus line from 18th and K Streets in the city of Bakersfield to the Virginia Colony, Descanso Park and East Niles Tract Subdivisions, adjacent to the city of Bakersfield.

A public hearing was held by Examiner Cannon at Bakersfield on January 20, 1947, at the termination of which the matter was submitted.

Applicant operates a passenger stage service within the city of Bakersfield, and in areas outside of, but contiguous or adjacent to, said city.

In this application request is made for a certificate over the following route:

". . . extending from 18th and K Streets, in the city of Bakersfield, easterly over and along 18th Street to the intersection of East 18th Street and East Truxton Avenue; Truxton Avenue to its intersection with Sumner Street, Sumner Street to Washington Avenue, Washington Avenue to Potomac Drive, Potomac Drive to Mount Vernon Avenue, Mount Vernon Avenue to Kentucky Street, Kentucky Street to Potts Avenue (a continuation of Kentucky Street) Potts Avenue to Descanso Street, Descanso Street to Miles Street, Miles Street to Webster Street, Webster Street to Kentucky Street, Kentucky Street to Mount Vernon Avenue, Mount Vernon Avenue to Potomac Drive, Potomac Drive to Washington Avenue, Washington Avenue to Sumner Street, Sumner Street, Truxton Avenue, East 18th Streets to the point of beginning at 18th and K Streets."

The application states that there is a need for transportation service in the area and over the route which applicant proposes to serve; that there is at present no common carrier service in the area; that the area consists of six subdivisions principally populated by persons who have no means of private transportation and that there are approximately 2000 dwellings and 7000 persons in the territory.

The area which applicant is seeking to serve as a common carrier is now served over an almost identical route by the Arvin Line, protestant herein. Pursuant to Decision No. 38856, dated April 16, 1946, in Application No. 27358, Arvin Line was authorized to render passenger stage service

"Beginning at the intersection of Edison Highway (U.S. Highway 466) and Washington Avenue, thence Washington Avenue, Potomac Avenue, Mt. Vernon Avenue, Lake Street, Oswald Street, Pioneer Drive, Fairfax Road to the intersection of Fairfax Road and Red Bank Road."

The applicant's proposed route is identical with the route operated by Arvin Line from the intersection of Edison Highway and Washington Avenue to Kentucky Street and Mount Vernon Avenue. From Kentucky Street and Mt. Vernon Avenue the applicant's proposed route parallels the Arvin Line existing route one block to the south, as far east as Descanso Street, which is the easterly limit of applicant's proposal.

Arvin Line Decision No. 38856 was rendered on April 16, 1946. Before the effective date of the order the matter was reopened for further hearing and said decision was affirmed in all respects on June 18, 1946, (Dec. No. 39106) and a petition for rehearing denied (Dec. No. 39292). The instant application was filed on June 17, 1946, after hearing of the Arvin application, but before a decision was rendered.

Applicant herein presented no evidence other than the testimony of its vice president who stated that, so far as he knew, there has been no complaint regarding the service of Arvin Line into the territory involved, and that it was performing a satisfactory service.

This testimony appears to be in conflict with the application itself, but is explained by the fact that satisfactory service has been provided since the filing of the application on June 17, 1946. Applicant had formerly served the Descanso area, east of Mount Vernon, but discontinued such service because of continued operating losses. The applicant testified that it believed it had a vested right to serve the territory because of previous service there, and of proximity to the urban area of Bakersfield.

The president of Arvin Line testified that his Company had ample equipment to serve the territory and that it had on order a new

23-passenger Ford bus. Its present operation is being conducted at a loss, but this witness was of the opinion that an operating profit would be realized within a reasonable time.

From the record herein we are of the opinion, and so find, that there exists no need for the proposed service, since the area involved is well provided with public transportation, and there was no testimony tending to establish a lack of service, or service which was inadequate for the public needs. The application will be denied.

O R D E R

Application having been made in the above-entitled proceeding, the Commission being duly advised, and it appearing that public convenience and necessity do not require the establishment and operation of passenger stage service as prayed for,

IT IS ORDERED that Application No. 27596-bc and it hereby is denied.

The effective date of this order shall be 20 days from the date hereof.

Dated at San Francisco, California, this 4<sup>th</sup> day of March, 1947.

Harold A. Kula

Justice J. Gallies

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R. J. [Signature]

[Signature]

COMMISSIONERS