

ORIGINAL

Decision No. 49442

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 JOHN DONALD ROWE, dba ROWE TRANSPORTA-)
 TION, for a Certificate of Public)
 Convenience and Necessity as a)
 highway common carrier for the trans-)
 portation of property by motor vehicle)
 between Burbank, Glendale, Long Beach)
 and Los Angeles Zones 1 to 20, inclu-)
 sive, on the one hand and China Lake,)
 Inyokern Ordnance Test Station,)
 Ridgecrest, Westend, Argus and Trona,)
 California, on the other.)

Application No. 34283

Wm. J. Curren, Jr. and A. E. Norrbom, for
 applicant.

Lloyd Guerra for Western Truck Lines, Ltd.,
Glanz & Russell, by Theodore W. Russell,
 for Desert Express, E. L. H. Bissinger
 for Southern Pacific Company and Pacific
 Motor Trucking Co., A. H. Segretti for
 Los Angeles-Trona Stages, Inc.,
 protestants.

O P I N I O N

John Donald Rowe, doing business as Rowe Transportation, a permitted radial highway common carrier and contract carrier, is applying for a certificate of public convenience and necessity which would authorize him to operate as a highway common carrier for the transportation of general commodities between the Los Angeles Territory, as described in Item 270-A of Highway Carriers' Tariff No. 2, on the one hand, and Ridgecrest, Inyokern, China Lake, Westend, Argus and Trona, on the other hand.

Public hearings were held in Los Angeles before Examiner Chiesa. Oral and documentary evidence having been adduced, the matter was submitted for decision.

The record shows that applicant has for a number of years been operating as a permitted carrier serving, principally, the points and places which are herein proposed to be served. His principal business is the transportation, in truckload lots, of products produced by two chemical companies situated in the Searles Lake area in the northwestern portion of San Bernardino County. One of the companies is the American Potash & Chemical Company at Trona, the other is the Westend Chemical Company at Westend. The principal products transported are potash, borax, hydrated lime and soda ash moving to the Los Angeles area. The evidence shows that applicant has oral agreements to perform the transportation service for said companies. Except for this traffic, applicant's southbound tonnage from any of the five points proposed to be served is negligible. Applicant's northbound traffic is principally for the account of said two chemical companies. In addition, applicant has developed some business, less-truckload shipments, to Ridgecrest, Argus and Trona. Argus is a small community bordering the company town of Trona and Ridgecrest is a small community situated near the Inyokern Ordnance Test Station.

In support of his application, applicant presented Exhibits Nos. 2 and 3 which show all northbound and southbound traffic transported by him in the months of March, April and May, 1953, between the Los Angeles area and the five places proposed to be served. The following is a summary of the information contained in said exhibits:

SHIPMENTS FOR THE MONTHS OF MARCH, APRIL AND MAY, 1953

	<u>Northbound from LA Area to points shown</u>			<u>Southbound from points shown to LA Area</u>		
	<u>No. Ship- ments</u>	<u>Total Weight</u>	<u>Avg. wt. per shipment</u>	<u>No. Ship- ments</u>	<u>Total Weight</u>	<u>Avg. wt. per shipment</u>
<u>March, 1953</u>						
Ridgecrest	10	6,903	690	0	0	0
Inyokern	2	625	313	0	0	0
	(also 1 subhaul)*					
China Lake	0	0	0	0	0	0
Argus	12	5,641	470	0	0	0
Trona	31	43,769	1,412	13	523,332	40,256
Westend	76	172,019	2,263	41	1,372,957	33,486
<u>April, 1953</u>						
Ridgecrest	8	2,796	350	0	0	0
Inyokern	2	3,923	1,962	0	0	0
	(also 2 subhauls)*					
China Lake	0	0	0	0	0	0
Argus	13	7,062	543	0	0	0
Trona	20	11,834	591	5	202,020	40,404
Westend	89	382,250	4,295	53	1,749,250	33,005
<u>May, 1953</u>						
Ridgecrest	0	0	0	0	0	0
Inyokern	(5 sub- hauls)*	0	0	0	0	0
China Lake	0	0	0	0	0	0
Argus	5	4,997	1,000	0	0	0
Trona	10	1,167	117	4	169,222	42,305
Westend	93	165,608	1,781	48	1,526,647	31,805

* Subhauls not included in figures.

Applicant called fourteen shipper witnesses who testified that they were using applicant's service and would continue to do so. Ten of the witnesses were either representatives of, or ship to, or receive from, the American Potash & Chemical Company and Westend Chemical Company. Two witnesses had small businesses in Argus, one was a theater operator in Ridgecrest and one occasionally shipped sheet metal products to Argus, Trona and Westend from Los Angeles.

The evidence shows that the Ridgecrest-Inyokern-China Lake area has the benefit of daily highway common carrier service from

Western Truck Lines, Ltd., and Desert Express, and that the latter also serves Westend, Argus and Trona.

It is apparent that applicant's business is almost entirely dependent upon the continuation of business relations with the American Potash & Chemical Company and Westend Chemical Company and with a third chemical company situated in Los Angeles, Mefford Chemical Co., for whom applicant also transports considerable tonnage shipped from the Westend Chemical Company. Aside from the transportation service which applicant is performing for the said three chemical companies, which business applicant contends is a contract operation, the evidence of record will not support a finding that public convenience and necessity require an additional highway common carrier service between the Los Angeles area and Ridgecrest, Inyokern, China Lake, Argus, Trona and Westend as herein proposed by applicant. The evidence clearly indicates that successful operation of applicant's proposed highway common carrier service would be almost entirely dependent on shipments for said chemical companies. Without their business the operation would not be compensatory.

Having carefully considered the entire record, we are unable to find that there is substantial evidence to justify the granting of an additional certificate between the points and places proposed to be served by applicant as hereinabove set forth.

In this proceeding the Commission is not passing upon the validity of any transportation arrangement or agreement which applicant may have entered into with either of the chemical companies herein referred to.

The application will be denied.

ORDER

A public hearing having been held in the above-entitled proceeding, the Commission being fully advised in the premises, and finding that the evidence of record fails to establish that public convenience and necessity require the operation of a highway common carrier service as herein proposed,

IT IS ORDERED that Application No. 34283 filed by John Donald Rowe, be, and it hereby is, denied.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco California, this 15th day of December, 1953.

R. F. [Signature]
 President

[Signature]

[Signature]

[Signature]

[Signature]
 Commissioners