

ORIGINAL

Decision No. 5027201

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of)
SOUTHERN PACIFIC COMPANY for)
authority to discontinue agency at)
Antioch, Contra Costa County, State)
of California, and to maintain said)
station as a nonagency.)

Application No. 39892

Harold S. Lentz, for applicant.
Thomas M. Ward and Phil Minner, for the City
of Antioch; Wesley D. Bush, for Antioch
Chamber of Commerce; Frank P. Nelson, for
Sears, Roebuck & Co.; Robert H. Bauer, for
The Decorating Center; protestants.
I. S. Wilson and W. E. Fisher, for The Order of
Railroad Telegraphers, intervenors.
Edward G. McLane, for the Commission staff.

O P I N I O N

By application filed March 11, 1958, Southern Pacific
Company requests an order authorizing it to discontinue the agency
at Antioch, and to maintain said station on a nonagency basis.

It is alleged that the business handled and the type of
business conducted at said station do not warrant the continued
maintenance of an agency at said station, and that the public can
be as adequately and conveniently served at the adjacent station of
Pittsburg.

Public hearings were held in Antioch on April 22 and 23,
1958, before Examiner Rowe, at which time evidence, both oral and
documentary, was adduced and after oral argument the matter was duly
submitted for decision.

Applicant's witnesses testified that all necessary serv-
ices to the public could be performed with the same or greater
efficiency by the fifteen employees at the Pittsburg station as at

the Antioch station which has only one employee, the agent. The protestants produced two shipper witnesses. The manager of the local Sears, Roebuck & Company store expressed doubt that his needs would be taken care of so readily by Southern Pacific employees stationed some five miles away as the agent presently located in the same city. His greatest concern was that where carload shipments were received by his company, which included articles destined to more distant points, he would be required to take such parts of shipments to his warehouse and then turn them over to Pacific Motor Trucking Company to be carried to destination. In order to prevent any inconvenience to this customer applicant stated that it would furnish seals to the Sears Company which could be placed on incoming cars after all freight but that to be reshipped had been unloaded. Such freight could thereafter be taken by the truck subsidiary and carried to ultimate destination.

The other protestant shipper witness representing a furniture store agreed that if applicant could get someone to inspect his damaged incoming freight within a period of one day after he called he would consider himself adequately served. The City Manager and the Secretary-Manager of the Chamber of Commerce both testified in opposition to the proposed agency closing. The principal contention of these gentlemen was that since a substantial revenue is derived from local business, applicant should continue its agency because the railroad company had not demonstrated that the freight and passenger business derived from Antioch people was not profitable. Finally another witness was called by protestants and he testified that he had experienced delay and inconvenience in procuring a change in passenger tickets when he applied to the Pittsburg agency.

The Commission realizes that in determining whether service can and will be as efficiently performed by the Pittsburg

agency it must weigh the promises of applicant's employees against the realities of the situation including the doubts expressed by the shippers and receivers of freight, or expressed by public or other witnesses. Applicant's witnesses have testified that this service can and will be as efficiently handled by the Pittsburg agency. If such assurances are not lived up to the necessary result will be loss of business and revenue to the company. Applicant is not by this application requesting any lessening in service to the Antioch area except as to station pickup and delivery. Such pickup and deliveries, if this application is granted, must in the future be effected at Pittsburg about five miles away. This is the only service as to which it may be claimed there is any abandonment involved in this proceeding. The amount of this service is insubstantial. No users of this part of the service appeared in protest.

The City Attorney in his argument insisted that applicant was under obligation to prove that the operation as it applied to this station constituted a net loss before the application should be granted. Applicant's books of record do not readily reveal this information and it would involve an undue amount of work to produce such information in accurate form. Since this application involves a request for authority to change the method of providing service and not to abandon it such information becomes relatively unimportant.

From the evidence of record the Commission is of the opinion and finds that public convenience and necessity no longer require that an agency be maintained in Antioch. At the hearing it was stated that applicant wished to maintain said station as a Class A nonagency station, consequently the following order will so provide. The record shows that by closing this agency approximately \$5,000 will be saved annually by applicant.

O R D E R

Public hearings having been held and the matter being duly submitted,

IT IS ORDERED that Southern Pacific Company is authorized to discontinue its agency at Antioch, Contra Costa County, subject to the following conditions:

1. Southern Pacific Company shall continue to maintain said station in a Class A nonagency status.
2. Within ninety days after the effective date hereof, and on not less than ten days' notice to the Commission and to the public, applicant shall post a notice of such discontinuance at the station, shall file in duplicate amendments to its tariffs showing the changes authorized herein, and shall make reference in such notice and tariffs to this decision as authority for the change.
3. Within thirty days after discontinuance of service as herein authorized, applicant shall notify this Commission thereof in writing and of compliance with the above conditions.

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

Dated at San Francisco California, this 27th day of August, 1958.

[Signature]
President

[Signature]

[Signature]

[Signature]

Commissioners

Commissioner C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.