

ORIGINAL

Decision No. 56002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SOUTHERN PACIFIC COMPANY and RAILWAY)
 EXPRESS AGENCY, INCORPORATED, for)
 authority to discontinue agency at) Application No. 40011
 Waterford, County of Stanislaus,)
 State of California, and to maintain)
 said station as a nonagency.)

Randolph Karr and Harold S. Lentz, for applicant.

Warren E. Fisher for The Order of Railroad Telegra-
 phers; Loren Rouse for himself; L. A. Perkins
 for L. Q. Perkins Company; Elmer W. Winger for
 Nick Sciabica & Sons; Milo F. Bradshaw for the
 County of Stanislaus; J. W. Wassum for himself;
Warren Rinehart for the Waterford Chamber of
 Commerce; S. H. Riddle for the Waterford Grange;
H. J. Biedenweg for the Department of Agriculture
 and the Commodity Credit Corporation; W. H. Breshears
 for O. F. Breshears, distributor of Standard Oil
 Company; E. G. Sullivan for the Lions Club; and
 Gilbert H. Jones for himself; protestants.

O P I N I O N

By this application filed April 17, 1958, Southern Pacific Company and Railway Express Agency, Incorporated, request an order authorizing them to discontinue their agencies at Waterford, Stanislaus County, and for Southern Pacific Company to maintain the station as a nonagency station.

Public hearing was held in Waterford on June 12, 1958, before Examiner Rowe, at which time evidence, both oral and documentary, was adduced and the matters duly submitted for decision.

The railroad applicant has rendered no passenger service in this area for years and no tickets are sold there. By closing this agency this applicant will annually save approximately \$5,000. From the evidence of record it appears, and the Commission finds, that present service to this area can just as efficiently be rendered by having the agency functions performed by the agency at

Oakdale which is approximately ten miles distant. It further appears and the Commission finds, that if the Southern Pacific Company agent is removed from Waterford it will not be feasible for Railway Express Agency to render service at this point, and it is found that there is no longer a substantial public convenience and necessity requiring service by this applicant. Public convenience and necessity likewise no longer require the railroad to maintain an agency at Waterford. While some shippers and receivers of freight living beyond the pickup and delivery limits of Pacific Motor Trucking Company will be inconvenienced by being required to travel to Oakdale, there is not a substantial volume of such shipments.

The Commission is of the opinion that service to receivers and shippers of carload freight, and to all those residing or being located within the delivery limits of Pacific Motor Trucking Company who receive or ship less-than-carload freight, will not be adversely affected by the granting of this application. Since Southern Pacific Company does not propose to reduce service, it will be required to maintain this station in a Class A nonagency status.

Protestants' expressions of doubt as to the railroad applicant's ability to efficiently serve the public in the Waterford area by an agency at Oakdale cannot be considered determinative. This applicant's obligation to serve the public in the Waterford area will continue unimpaired by the granting of this application.

O R D E R

Public hearing having been held and the above matters having been duly submitted,

IT IS ORDERED that Southern Pacific Company and Railway Express Agency, Incorporated, are authorized to discontinue their

agencies at Waterford, Stanislaus County, subject to the following conditions:

- a. Southern Pacific Company shall continue to maintain said station in a Class A nonagency status.
- b. Applicants shall give not less than ten days' notice to the public of discontinuance of agency service by posting notice thereof at the station.
- c. Within ninety days after the effective date hereof, applicants, upon not less than ten days' notice to this Commission and to the public, shall file, in duplicate, amendments to their tariffs showing the changes herein authorized and shall make reference in such tariff amendments to this decision as authority therefor.
- d. The authorization herein granted shall expire if not exercised within ninety days after the effective date hereof.
- e. Within thirty days after discontinuance of service as herein authorized, applicants shall notify this Commission in writing thereof and of compliance with the above conditions.

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

Dated at San Francisco, California, this 15th day of JULY, 1958.

E. Lynn Fox
President

John E. Miller

Raymond J. [unclear]

Commissioners

Matthew J. Dooley
Commissioner... Theodore H. Jenner, being necessarily absent, did not participate in the disposition of this proceeding.