

ORIGINAL

Decision No. 57073

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SOUTHERN PACIFIC COMPANY and RAIL-)
WAY EXPRESS AGENCY, INCORPORATED,)
for authority to discontinue agency)
at Pixley, County of Tulare, State)
of California, and to maintain said)
station as a nonagency.)

Application No. 40095

Randolph Karr and Harold S. Lentz, for
applicants.
Berryhill & Kuney by John B. Berryhill and
Jack Swanson, for The Pixley Chamber of
Commerce and Agriculture; Jack Panick
and I. S. Wilson, for The Order of Rail-
road Telegraphers, protestants.

O P I N I O N

By this application, filed May 16, 1958, Southern Pacific Company and Railway Express Agency, Incorporated, request an order authorizing them to discontinue their agencies at Pixley, Tulare County, and for Southern Pacific Company to maintain the station as a nonagency station.

Public hearing was held in Pixley on July 1, 1958, before Examiner Rowe, at which time evidence, both oral and documentary, was adduced and the matter duly submitted for decision.

The railroad applicant has rendered no passenger service at this station for years and no tickets are sold there. By closing this agency this applicant will annually save approximately \$5,000. While some occasional shippers and receivers of freight living beyond the pickup and delivery limits of Pacific Motor Trucking Company and those shipping or receiving household goods and personal effects will be inconvenienced by being required to travel to Tipton, there is no

substantial volume of such shipments. The Commission finds from the evidence of record that the substantial and the regular patrons of Southern Pacific Company will in no material respect be inconvenienced by the granting of this request. The protestants' expressions of doubt as to the railroad applicants' ability to adequately serve Pixley from the Tipton station cannot be considered determinative.

The Railway Express Agency does a very small volume of business at Pixley. There were only 300 shipments handled during the 12-month period ending April 30, 1957 and 221 during the next such period. Last year this company had a gross income of only \$1,339. Two witnesses testified that the loss of Railway Express service at Pixley would inconvenience them. So long as the Southern Pacific agent is in Pixley this operation is feasible because he, acting also as its agent, is qualified to compute tariff charges and has ample time to make the necessary reports and perform the other required paper work for Railway Express Agency. According to the testimony of this applicant's division superintendent, the expected monthly income which could be offered a local merchant of approximately \$9 per month is inadequate to induce anyone to act as the local agent for the express company.

The Commission finds that public convenience and necessity no longer require either applicant to maintain an agency at Pixley. Since Southern Pacific Company will continue to handle freight in any quantity of carload or less, it will be required to maintain this station in a Class A nonagency status.

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 Pixley, Tulare 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 one hundred twenty 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 29th day of July, 1958.

[Signature]
President

[Signature]

[Signature]

[Signature]

Commissioners

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