

Decision No. 57930**ORIGINAL**

## 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  
STRATHMORE, County of Tulare, State  
of California, and to maintain said  
station as a Class A nonagency station.)

Application No. 40242

Randolph Karr and Harold S. Lentz, for applicants.  
John H. Berryhill and Berryhill & Kuney for  
Strathmore Chamber of Commerce, protestant.  
Jack Panick for the Order of Railroad Telegraphers,  
protestant.

O P I N I O N

By application filed July 9, 1958, Southern Pacific Company and Railway Express Agency, Incorporated, request an order authorizing them to discontinue their respective agencies at Strathmore, Tulare County, and to maintain said station as a Class A nonagency station.

Public hearing was held on September 4, 1958, in Strathmore before Examiner Rowe, at which time evidence was adduced and the matters submitted for decision upon briefs which have now been received.

The railroad renders no passenger service on this branch line and only five passenger tickets were sold during the twelve month period ending May 31, 1957 and two during the next twelve months. Depot deliveries will be effected at Lindsay 4.8 miles distant. With the exception of a few instances of depot deliveries

the service to the public will be unimpaired by the requested change. Agency functions will be performed at Lindsay, where no additional employees will be required by reason of handling this additional work. The fact that an additional employee may be added to work two days at Lindsay and three days at Porterville so as to eliminate the expense of overtime has no bearing upon the merits of the present application. The requirement of such an employee will not depend upon whether this application is or is not granted.

The assertion by counsel for the Strathmore Chamber of Commerce that applicant had introduced no evidence pertaining to public convenience and necessity is without foundation. By proving that the transportation service in the Strathmore area will continue to be adequate and will not be adversely affected by discontinuing the agent at that point, Southern Pacific Company has maintained its burden of proof to show that public convenience and necessity no longer require the agent's service in Strathmore. ✓

The case made by applicant Railway Express Agency is presented upon a different theory. It has shown that without utilization of the Southern Pacific Company agent at Strathmore it is infeasible to employ a merchant agent and that any attempt to maintain its own office with a full time company agent would result in regular

prohibitive losses and would serve public convenience and necessity only in very small measure. Such a showing justifies an order which substantially involves elements of abandonment which is quite difference from the relief requested in the application of the railroad. ✓

Pacific Motor Trucking Company will continue to render the same service to this community. It presently handles the less than carload freight. An annual saving of approximately \$5,800 will be accomplished by Southern Pacific Company by discontinuing this agency. Upon full consideration of the record in this proceeding, the Commission finds that public convenience and necessity no longer require the service of an agent at Strathmore by either applicant.

O R D E R

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

IT IS ORDERED:

1. That Southern Pacific Company and Railway Express Agency, Incorporated, are authorized to discontinue their agencies at Strathmore, Tulare County, subject to the following conditions:

- a. Southern Pacific Company shall continue to maintain said station in a Class A nonagency status.
- b. Within ninety days after the effective date hereof, and on not less than ten days' notice to the Commission and to the public, applicants shall post a notice of such discontinuance at the station, shall file in duplicate amendments to their tariffs showing the change authorized herein, and shall make reference in such notice and tariffs to this decision as authority for the change.

- c. Within thirty days after discontinuance of service as herein authorized, applicants shall notify this Commission thereof and of compliance with the above conditions.

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

Dated at Los Angeles, California, this 27<sup>th</sup> day of January, 1959.

E. L. Fox  
President  
W. L. K. K. K.  
Matthew D. Dole  
Theodore J. J. J.  
Commissioners