

ORIGINALDecision No. 82150

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of Southern Pacific Transportation)
 Company for authority to discon-)
 tinue agency at Fillmore, County)
 of Ventura, State of California. }

Application No. 53969
 (Filed April 16, 1973)

Harold S. Lentz, Attorney at Law, for applicant.
Gilbert E. Nehrig, for Fillmore-Piru Citrus
 Association, and George B. Bowker, for Saticoy
 Lemon Association, protestants.
Edward D. Stewart, for the Commission staff.

O P I N I O N

Southern Pacific Transportation Company (SP) requests authority to discontinue its agency and to maintain station as a nonagency station handling freight in carloads or trailer loads at Fillmore, county of Ventura.

A duly noticed public hearing was held before Examiner O'Leary at Fillmore on August 21, 1973 at which time the matter was submitted subject to the filing of the transcript, which was filed September 17, 1973.

The station at Fillmore is staffed by a single employee who is on duty from 9:00 a.m. to 5:00 p.m., five days a week. The employee also works overtime as the need arises. The nonagency points of Rancho Sespe, Texaco, and Piru are also served by the Fillmore agency.

Under the proposal to close the Fillmore agency the services presently available through the agent will be available through applicant's agency station at Santa Paula which is located approximately nine miles west of Fillmore. The station at Santa Paula is also staffed by a single employee who is on duty from 9:00 a.m. to 6:00 p.m., five days a week, and who works overtime as the need arises. The telephone number of the Fillmore agency will be transferred to the agency at Santa Paula.

Only freight in carload or trailer load lots is handled at Fillmore. The volume of business handled and the resultant revenue for 1971, 1972, and the first six months of 1973 were as follows:

<u>Carload Shipments</u>	<u>1971</u>	<u>1972</u>	<u>1973*</u>
Originated	2,102	857	545
Terminated	<u>20</u>	<u>13</u>	<u>18</u>
Total	2,122	870	563
Revenue	\$1,293,098	\$484,157	\$326,558

* January to June

Applicant anticipates annual savings of approximately \$15,000 if the Fillmore station is closed.

The secretary-manager of the Fillmore-Piru Citrus Association testified that a letter of protest was filed with the Commission; the letter was received in evidence as Exhibit 6. A review of Exhibit 6 discloses that the letter relates to a problem, namely drainage, not related to the closing of the Fillmore agency. Exhibit 7 is a copy of a Western Union telefax addressed to the Commission advising that drainage problems with SP had been resolved and the protest was withdrawn. Upon questioning by the examiner the witness admitted he could have been responsible for sending Exhibit 7 but could not remember. The witness also testified that there was some doubt in his mind that his company's shipping needs would be served as well as presently. No evidence was presented by the other protestant.

Findings

1. There is not sufficient business to justify a full-time employee and the maintenance of an agency at Fillmore.
2. Freight in less than carload lots is not required to be handled at this station. ✓
3. The public will be adequately served by the agency station at Santa Paula which is located nine miles from Fillmore and is open five days a week.
4. Patrons will utilize the same telephone number which is presently used to contact Fillmore to contact Santa Paula.
5. Public convenience and necessity no longer require the maintenance by SP of an agency at Fillmore.

The Commission concludes that the application should be granted.

O R D E R

IT IS ORDERED that:

1. Southern Pacific Transportation Company is authorized to discontinue its agency at Fillmore, Ventura County, subject to the following conditions:

- (a) Southern Pacific Transportation Company shall maintain the station in a nonagency status for the receipt or delivery of freight in carload or trailer load lots only.
- (b) Within one hundred twenty days after the effective date of this order and not less than ten days prior to the discontinuance of the agency at Fillmore, Southern Pacific Transportation Company shall post a notice of such discontinuance at the station and, within one hundred twenty days after the effective date of this order and on not less than ten days' notice to the Commission and to the public, Southern Pacific Transportation Company shall file in duplicate amendments to its tariffs showing the change authorized

and shall make reference in such notice and tariffs to this decision as authority for the change. In no event shall the agent be removed earlier than the effective date of the tariff filings.

- (c) Within thirty days after discontinuance of service Southern Pacific Transportation Company shall give written notice to the Commission that it has complied with this order.

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

Dated at San Francisco, California, this 20th day of NOVEMBER, 1973.

William J. Hughes President
Vernon L. Sturgeon
John D. Sturgeon
John D. Sturgeon Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.