

DECISIONS OF

Pennsylvania Public Utility Commission

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posed service would tend to correct or substantially improve that condition; THEREFORE,

IT IS ORDERED: That the application of Ralph J. Moyer to operate motor vehicles as a common carrier be approved, limited to the following right:

To transport, as a common carrier, groups and parties of persons from the Township of West Wheatfield, Indiana County and the Borough of Bolivar, Westmoreland County to points within fifty (50) miles of the point of origin.

IT IS FURTHER ORDERED: That the application in so far as it refers to all other transportation be and is hereby refused for lack of necessity.

CITY OF SCRANTON

v.

CENTRAL RAILROAD COMPANY OF PENNSYLVANIA

COMPLAINT DOCKET No. 14997

Complaints—Burden of Proof—Failure to Render Adequate Train Service.

A complaint by a city against a railroad company for not rendering reasonable and adequate train service was dismissed where the complainant did not assume the burden of proof imposed upon it by the Public Utility Law by presenting evidence or testimony in support of the complaint.

John J. Scott, J. W. McNulty and J. M. Gronfine for City of Scranton.

Earle J. Harrington for Central Railroad Company of Pennsylvania.

BY THE COMMISSION, *September 5, 1950:*

In this proceeding the City of Scranton, by complaint filed May 22, 1950, alleges that the citizens and taxpayers of that city have

been deprived of reasonable and adequate train service by virtue of the withdrawal on April 30, 1950 of passenger trains Nos. 327 and 316 of Central Railroad Company of Pennsylvania operating between Scranton and Bethlehem on the tracks of respondent and between Bethlehem and Philadelphia over tracks of Reading Company.

Public hearing on the complaint was held in Scranton on July 20, 1950 after due notice to the parties. At the hearing, counsel for the City of Scranton stated that he would not present any testimony or evidence in support of the complaint at that hearing or at any further hearing which might be scheduled on the complaint. Under the circumstances and since the complainant has not assumed the burden of proof imposed upon it by the Public Utility Law, the complaint must be dismissed; **THEREFORE,**

IT IS ORDERED: That the complaint be and is hereby dismissed.

**APPLICATION OF THE PENNSYLVANIA RAILROAD
COMPANY**

APPLICATION DOCKET No. 74853

Stations—Agents (removal of)—Public Convenience and Necessity—Ability to Pay Agent's Wages—Abandonment of Service.

The public utility law does not empower the Commission to compel a public utility to employ an agent at a location where sufficient revenue is obtainable to pay the wages of the employee, unless the record discloses that failure to continue the service will result in inadequate and unreasonable service to the public.

Stations (change in status of)—Agency Stations—Abandonment of Service—Factors Considered.

Notwithstanding a protest largely relating to the railroad company's ability to pay a station agent from the revenue assignable to the station involved, permission was given the company to remove the agent from the station where it was shown that the agency station was established in connection with the interchange of freight with a railroad which no longer provided such service and the larger shippers did not appear in protest of the agent's removal.