

Opinion delivered November 9, 1953.

Rehearing denied December 14, 1953.

1. CARRIERS—CONVENIENCE AND NECESSITY.—Uniform advantages to the public, as distinguished from convenience and profit to a particular carrier, are decisive factors for the commission's consideration in passing upon a petitioner's request for a certificate entitling him to operate over designated highways as an extension of intrastate rights.
2. CONVENIENCE AND NECESSITY.—Where a witness supporting the applicant's petition for an extension of intrastate rights as a common carrier gave testimony showing that the benefits pointed to would flow largely to such witness (who was in the trucking business interstate) and only incidentally to the petitioner, circuit court did not err in reversing the commission's action in granting the certificate.
3. CARRIERS—COMMISSION'S DUTY RESPECTING ISSUANCE OF CERTIFICATES.—The prime object and real purpose of commission control is to secure adequate sustained service for the public at the least possible cost, and to protect and preserve investments already made for this purpose.
4. CARRIERS—COMPETITION—CONVENIENCE AND NECESSITY.—Experience has demonstrated that competition among *natural* monopolies is wasteful economically and results finally in insufficient and unsatisfactory service.

Appeal from Pulaski Circuit Court, Third Division;
J. Mitchell Cockrill, Judge; affirmed.

Chas. C. Wine, for appellant.

Ned Stewart, Stanley P. Clay, Leroy Hallman, William J. Smith and *Thomas Harper*, for appellee.

GRIFFIN SMITH, Chief Justice. Public Service Commission issued its certificate of convenience and necessity to S. C. Boyd, enlarging his intrastate rights. Circuit court reversed and we affirm its judgment.

For eleven months prior to the commission's action Boyd had operated intrastate as Texarkana-Nashville Motor Freight Lines, carrying general commodities from Texarkana to Hope, and from Texarkana to Nashville and Lockesburg. Certain government consignments are

regarded as surplusage. Like chancery appeals where the decree is persuasive, full effect must be accorded factual findings, and when the evidence is evenly balanced the administrative agency's views must prevail. This is particularly true in respect of technical matters where affairs not ordinarily contested before courts are being explored. The rule has no application here because the testimony is not in equipoise, nor is the subject-matter of a character requiring extraordinary talent as a prerequisite to an understanding of the related issues.

Our conclusion is that circuit court did not err in reversing the commission's findings, and the judgment is affirmed.
