

**NEW MEXICO TRANSP. CO. V. SCC, 1947-NMSC-006, 51 N.M. 59, 178 P.2d 580 (S. Ct. 1947)**

**NEW MEXICO TRANSP. CO., Inc., et al.**  
**vs.**  
**STATE CORPORATION COMMISSION et al.**

No. 4987

SUPREME COURT OF NEW MEXICO

1947-NMSC-006, 51 N.M. 59, 178 P.2d 580

February 10, 1947

Appeal from District Court, Santa Fe County; William J. Barker, Judge. Action by the New Mexico Transportation Company, Inc., and others against State Corporation Commission and Jim L. Ferguson to enjoin the issuance of certificates of necessity and convenience to the individual defendant to operate two bus lines. From a judgment for the defendants, the plaintiffs appeal.

Motion for Rehearing Denied April 9, 1947

**COUNSEL**

Atwood & Malone, of Roswell, and R. E. Kidwell, of Dallas, Tex., for appellants.

C. C. McCulloh, Atty. Gen., Robert W. Ward, Asst. Atty. Gen., and G. H. Little, of Amarillo, Tex., for appellees.

**JUDGES**

McGhee, Justice. Bickley, C.J., and Brice, Lujan, and Sadler, JJ., concur.

**AUTHOR: MCGHEE**

**OPINION**

{\*59} {1} The State Corporation Commission issued certificates of necessity and convenience to Jim Ferguson to operate two bus lines between Hobbs and Roswell, one via Lovington and Artesia and the other via Tatum. Appellants protested the granting of the permits where Ferguson proposed to operate over the parts of the routes where they operated. None of the protests covered the route between Lovington and Artesia.

{2} The protestants then filed suit to enjoin the issuance of the certificates under the provisions of Sec. 68-1363, 1941 N.M.S.A., on the grounds the action of the Commission was unlawful and unreasonable. The District Court declined to issue the injunction.

{3} The Court may enjoin the issuance of such a certificate only when the record shows the order of the Commission was unlawful or unreasonable. We construed {60} this statute in *Harris v. State Corporation Commission*, 46 N.M. 352, 129 P. 2d 323, and are satisfied with the statements there made. Following the rules there announced, we are unable to say from an examination of the record that the order of the Commission granting these certificates was either unlawful or unreasonable. It is not sufficient that we might have reached a different conclusion.

{4} The judgment of the District Court will be affirmed, and it is so ordered.