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Decision No. 12597.

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of R. W. RASMUSSEN for certificate of public convenience and necessity to establish automobile freight service as a common carrier of freight, between Oakland, on the one hand, and Morgan Hill, Gilroy, San Juan and Hollister on the other hand.	) :)Application No. 8994 :)

BY THE COMMISSION,

ORDER

R. W. Rasmussen applies to the Railroad Commission for a certificate of public convenience and necessity authorizing the operation of an automobile truck line as a common carrier of freight between Oakland and Morgan Hill, Gilroy, San Juan and Hollister. Applicant proposes to operate one round trip three times per week, using in such service one 2-ton Nash truck and to charge rates as more specifically set out in Exhibit "A" attached to the application herein.

On March 17, 1922, the same applicant filed an application for a certificate of public convenience and necessity authorizing the establishment of practically identical service as herein proposed. After public hearings held at San Francisco and Hollister, the Railroad Commission on September 26, 1922, issued its decision No. 11027 in Application No. 7660, denying the certificate sought. On October 6, 1922, a petition for rehearing was filed on behalf of applicant, which petition for rehearing was denied on October 14, 1922, by decision No. 11114. The evidence submitted in connection

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with such proceeding was to the effect that applicant proposed to haul particularly eggs, live poultry, and milk and cream from poultry ranches and dairies located in the vicinity of Hollister, San Juan and Gilroy to Oakland.

Although Application No. 7660 was denied some months ago through informal complaints received by the Commission and through advertisement published by applicant in newspapers, it appears that he continued hauling in which he was heretofore engaged, such hauling being carried on in violation of the provisions of Chapter 213, Statutes of 1917, and amendments thereto.

Under the provisions of Chapter 310, Statutes of 1923, effective August 17, 1923, no certificate is required of persons or corporations engaged in the operation of trucks transporting for compensation products or implements of husbandry or other farm necessities directly from or to farms. It appears from the testimony submitted by applicant in his previous application and from allegations set forth in the instant proceeding that the majority of the tonnage which he proposes to handle would come under the above exemption, it clearly appears that by eliminating farm products, for the hauling of which no certificate is necessary when moved direct from farms to commission houses, that there is no public necessity whatsoever for the establishment of an additional automotive transportation line in the territory proposed to be served by this applicant, existing truck and rail service being more than adequate to care for such transportation necessities. Accordingly, we are of the opinion that the present application is a matter in which a public hearing is not necessary and that the application should be denied.

IT IS HEREBY ORDERED that the above entitled application be, and the same hereby is denied.

Dated at San Francisco, California, this 13th day of September, 1923.

C. L. Seavey

H. H. Dunlap

Irving Martin

Gordon Shore

W. T. Whitlatch

Commissioners