

Decision No. 15412

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of R. J. KIMBROUGH, Sr., for cer-)
tificate of public convenience and)
necessity to extend present author-)
ized service to serve the territory)
5 miles south and $1\frac{1}{2}$ miles west to)
Santa Ana River between Greenville)
and Costa Mesa to Ocean.)

APPLICATION NO. 11186.

D. A. Kimbrough, for Applicant.

BY THE COMMISSION:

O P I N I O N

R. J. Kimbrough, Sr., has made application to the Railroad Commission for a certificate of public convenience and necessity to extend his present authorized service for the transportation of milk between Orange County points and Los Angeles, to include that area $5\frac{1}{2}$ miles south of the Westminster Road and between the Santa Ana River and the old Newport Road, and bounded on the south by the Pacific Ocean.

A public hearing herein was conducted by Examiner Williams at Los Angeles.

Applicant proposes to transport milk from the dairy of Ross & Brown, within the area described, to Los Angeles, at a rate of 30 cents per 10-gallon can, empty containers to be returned free. No back haul service or rate is proposed by applicant. There is no other shipper of milk within the territory named, and the extension of service proposed by applicant is, to a large extent, an accommodation to this shipper, whose milk will be assembled with the product of the northernmost ter-

ritory for transportation.

No one appeared to protest the granting of the application, and there seems to be no good reason why it should not be granted, especially in view of the fact that transportation of the milk produced in this area cannot be provided in any other way.

We therefore find as a fact, upon the record herein, that public convenience and necessity require the service proposed by applicant herein. An order granting the certificate will accordingly be entered.

O R D E R

R. J. Kimbrough, Sr., having made application to the Railroad Commission for a certificate of public convenience and necessity to extend his present authorized service to serve the territory 5 miles south and 1½ miles west to the Santa Ana River between Greenville and Costa Mesa to the Pacific Ocean, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the service proposed by applicant herein, being an extension of his present authorized service to include the territory 5 miles south and 1½ miles west to the Santa Ana River between Greenville and Costa Mesa to the Pacific Ocean, over and along the following route:

Via old Newport Road or other county
highway within the area described; and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same hereby is granted,

subject to the following conditions:

- I. Applicant shall, within twenty (20) days after the date hereof, file with this Commission his written acceptance of the certificate herein granted as an extension and enlargement of his present existing rights, and not as a new or separate right.
- II. Applicant shall file, in duplicate, time schedules and tariff of rates identical with those as set forth in Exhibit attached to the application herein, within a period of not to exceed twenty (20) days from date hereof; and shall commence operation of the service herein authorized within a period of not to exceed thirty (30) days from date hereof.
- III. The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.
- IV. No vehicle may be operated by applicant under the authority hereby granted unless such vehicle is owned or is leased by applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 19th
day of September 1925.

H. B. Brundage

George D. Squires

Leon C. Whitell
Commissioners.