

Decision No. 11488 -

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of E. J. JENNINGS for certificate)
of public convenience and neces-)
sity to operate a freight service)
between Eynes, California, and)
Los Angeles, California.)

ORIGINAL
APPLICATION NO. 11099

Marcus C. Clark, for Applicant.

M. G. Ferrahian, for Oganesoff & Oskonoff,
Protestants.

Richard T. Eddy, for R. E. Robson, Protestant.

G. W. Myers, for J. M. Correia, Protestant.

Phil Jacobson, for Hamo & Semonian, Protestants.

H. N. Blair and F. R. Carrell, for Bozoff &
Tarvoff, Protestants.

T. A. Woods, for American Railway Express, Pro-
testant.

BY THE COMMISSION:

O P I N I O N

E. J. Jennings has made application to the Railroad Commission for authority to establish service for the transportation of milk, and hay, grain and other kinds of cattle feed, between Eynes and Los Angeles and intermediate points.

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

Applicant is now serving eight customers in the region of Eynes, an unincorporated village in Los Angeles County, and is transporting approximately 80 cans of milk

daily for these customers to creameries at Los Angeles over an average distance of 18 miles.

According to the testimony, applicant began this service in October, 1923, and with one exception is now serving the same customers and conducting his operation over the same route that he established at that time.

Applicant produced as witnesses in his behalf Robert Fenster, Edward Bettington and Carl G. Gustafson, who testified that the service rendered by applicant had been satisfactory and that they desired to have it continued. The testimony shows that Mr. Fenster had not been shipping by applicant's service prior to June, 1925. This witness testified that protestants Oganessoff & Oskonoff had been transporting milk for him, but that they had failed to give him service for two days and he had asked the applicant herein to perform the service. He testified that these protestants did not give a satisfactory explanation of why he was left without transportation facilities, but he said that otherwise their service had been satisfactory. As this witness is within the area and on the route served by both applicant and protestants Oganessoff & Oskonoff for the past two years, it appears that in this matter he exercised his right of choice, with which the Commission at this time is not disposed to interfere.

While the granting of the application met a number of protests, no testimony was introduced by protestants disputing the need of applicant's service, or its efficiency as heretofore maintained. The protest of E. E. Robson was withdrawn.

It appears from the record herein that applicant is performing a needed and useful service for the customers he has been serving for the past two years, that they are satisfied with his service and desire its continuance, and that, therefore, the certificate applied for should be granted. An order will be so entered.

O R D E R

E. J. Jennings having made application to the Railroad Commission for a certificate of public convenience and necessity to establish a freight service for the transportation of milk, and hay, grain and other kinds of cattle feed, between Hynes and Los Angeles and intermediate points, 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 operation of the service proposed by applicant herein, for the transportation of milk, and no other commodities, between Hynes and Los Angeles, and the transportation of hay, grain and other cattle feed from Los Angeles to Hynes, and no other service, over and along the following route:

Commencing at 631 Michigan Avenue, Hynes, the home of applicant, thence by way of Michigan Avenue to Artesia Boulevard, thence by Artesia Boulevard to a point almost to Summeret Avenue or street, thence back by way of Artesia Boulevard to Clark Street, thence on Clark Street to Center Street, thence on New York Avenue to point just beyond Pacific Electric tracks, thence back on New York Avenue to Washington Avenue, thence east on Washington Avenue to Ocean Boulevard, thence south on Ocean Boulevard to point about one-half mile south of Artesia Boulevard, thence back on Ocean Boulevard to Artesia Boulevard,

thence east on Artesia Boulevard to Michigan Avenue, thence north on Michigan Avenue to Lincoln Street, thence on Lincoln Street about one-half mile to a point, thence back to Michigan Avenue on Lincoln Street, thence north on Michigan Avenue to Washington Boulevard, thence west on Washington Boulevard to Compton Boulevard, thence north on Compton Boulevard to Los Angeles; 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 from the date hereof, file with this Commission his written acceptance of the certificate herein granted; 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.
- II. 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.
- III. 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 24th day of September 1925.

H. B. ...

George D. ...

Leon ...

COMMISSIONERS.