

Decision No. 15757

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of W. R. BENNETT for a certificate)
of public convenience and neces-)
sity to operate an auto truck serv-)
ice for the transportation of milk)
from the Artesia District (as here-)
in described) to Los Angeles.)

APPLICATION NO. 11180.

Richard T. Eddy, for Applicant.

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

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

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

R. E. Austin, for A. T. Spencer, Protestant.

John N. Helmick, for H. C. Venable, Pro-
testant.

BY THE COMMISSION:

O P I N I O N

W. R. Bennett has made application to the Railroad Commission for a certificate of public convenience and necessity to operate an auto truck service for the transportation of milk from the Artesia district to Los Angeles.

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

Applicant proposes a service for the transportation of milk from the district in and about Artesia, as shown by the routing filed in the application and the area by boundar-

ies, which service he has been conducting since January, 1925, having purchased the same from Frisbee & Watson, successors to Sam Kevorkian, who before August, 1923, conducted the service under authority of this Commission. Applicant acquired the business of his predecessors during the period between August, 1923, and April, 1925, when the exemptions provided by the Amendment of 1923 to Section 5 of the Auto Transportation Act was in force, and the transaction did not receive the authority of this Commission. Subsequent to the action of the Supreme Court in declaring the amendment above referred to unconstitutional, applicant filed his application for permission to continue the service which he had been giving as successor to Frisbee & Watson.

Applicant is now serving eight dairies in this district, producing approximately 80 cans of milk daily, which is transported a distance of 20 miles to creameries at Los Angeles.

Applicant produced as witnesses in his behalf Edwin Baker, a shipper from the district sought, who testified that applicant's service had been "extra good" and that he desired its continuance; and W. R. Thompson, production manager of the National Creamery at Los Angeles, who testified that the regularity of applicant's service, and his care in handling milk delivered at the creamery, and in returning empty cans, were very satisfactory.

The granting of the application was protested by J. M. Correia, Bozoff & Tarvoff, A. T. Spencer and H. C. Venable, but no testimony was produced by any of these protestants

showing that applicant's service was not adequate and efficient. Protestant Venable complained that within three weeks of the hearing, applicant had accepted milk for transportation from a shipper who prior to that time had been served by the protestant. This shipper was not produced at the hearing and the reason for his change in carriers was not clearly established. The protest of Oganessoff & Oskonnoff was withdrawn.

It appears from the record herein that applicant is performing a service which is satisfactory to those patronizing him; and while this service traverses roadways in districts also served by other carriers, nothing has been shown to offset the affirmative testimony as to the need for the service by those now using it.

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

O R D E R

W. R. Bennett having made application to the Railroad Commission for a certificate of public convenience and necessity to operate an auto truck service for the transportation of milk from the Artesia district to Los Angeles, 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 from the Artesia district to creameries in Los Angeles, and for no other purpose, over and along the following route:

Beginning at Main Street and Artesia Boulevard, Artesia; thence south on Main Street to First Street; west on First Street to Palo Verde; north on Palo Verde to Artesia Boulevard; west on Artesia Boulevard to Main Street and Bellflower; thence north on said street to Center; west on Center to Ocean Boulevard; thence south on Ocean Boulevard about 4 miles; thence north on Cherry Street to Center Street; thence to Atlantic Avenue; thence to Huntington Park; Central Avenue; 12th Street to Los Angeles Creamery.

PROVIDED, HOWEVER, that the service of applicant shall not extend beyond the following boundaries:

On the east by Main Street, Artesia; on the south by First Street, Artesia; on the west by Ocean Avenue and extension thereof; and on the north by Center Street in Hynes and extension thereof in and through Artesia; 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. A. Brundage

George D. Squires

Leon Whitell
Commissioners.