

Decision No. 15459

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of BOB ARUTOFF for certificate of )  
public convenience and necessity )  
to operate freight service between )  
Los Angeles and dairy ranches in )  
vicinity of Athens and Rosecrans. )

APPLICATION NO. 11266

Guy Lewis, for Applicant.

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

BY THE COMMISSION:

O P I N I O N

Bob Arutoff has made application to the Railroad Commission for a certificate of public convenience and necessity to operate freight truck service for the transportation of milk between Los Angeles and dairy ranches in the vicinity of Athens and Rosecrans.

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

Applicant's service is limited to the transportation of milk from dairy ranches in the vicinity of the points named, to Los Angeles, with no return haul from Los Angeles. He proposes a schedule of rates as set forth in Exhibit "A", which provides for a uniform rate of 17 cents for each 10-gallon can of milk transported. Applicant now serves 14 dairies, with an average daily shipment of 65 cans of milk over an average

distance of 22½ miles. The service is one which applicant maintained for several years under certificate from this Commission (Decision No. 9177 in Case No. 1540), but he did not exercise his certificate rights after August, 1923, continuing the operation under the exemption provided by the Amendment of 1923 to Section 5 of the Auto Transportation Act, which amendment was declared invalid by the Supreme Court in April, 1925. The service which applicant now proposes to give is a continuation in an enlarged way of the service previously given, subject to some changes in street routing.

Applicant produced one witness, H. A. Gormson, a shipper near Perry Station, adjacent to Athens, who testified that he had been served by applicant for 5½ years, efficiently and at a reasonable rate, and that he desired the service continued.

The granting of the application was protested by Bozoff & Tarvoff, applicants for a certificate to give service in districts south of and contiguous to the district served by applicant herein. It was stipulated between the parties that applicant Arutoff should not serve any territory east of Figueroa Street and south of 182nd Street (also known as Walnut Street), and upon this stipulation the protest was withdrawn.

It appears from the record herein that there is no reason why the service conducted by applicant should not be continued under proper authorization of this Commission, and we are therefore of the opinion that the certificate applied for should be granted. An order will be so entered.

## O R D E R

Bob Arutoff having made application to the Railroad Commission for a certificate of public convenience and necessity to operate freight truck service between Los Angeles and dairy ranches in the vicinity of Athens and Rosecrans, 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 to Los Angeles from dairy ranches in the vicinity of Athens and Rosecrans, and for no other purpose, over and along the following route:

Leave Los Angeles via South Main Street to Rosecrans Avenue, thence west to Arlington Street, thence south to Olive Avenue, thence west to Perry Station, thence east on Electric Street to Cypress Avenue, thence north to Strawberry Street, thence east to Arlington Street, thence south to Electric Street, thence east to Normandie Avenue, thence west on Electric Street to Western Avenue, thence north to San Pedro Street, thence east to Normandie Avenue, thence south to Wilmington Street, thence east to Figueroa Street, thence south to Walnut Street, thence east to Main Street, thence north to 157th Street, thence west to Vermont Avenue, thence north to Olive Avenue, thence east to Main Street, thence north to Compton and Santa Monica Road, thence east to South Park Avenue, thence north to 128th Street, thence east to Central Avenue, thence west on 128th Street to South Park Avenue, thence north to 122nd Street, thence west to Main Street, thence north to Los Angeles dairies.

Said route to include all dairy ranches within the boundaries of said route, and within one-half mile outside of said boundaries, excepting, however, the territory east of Figueroa Street and south of 182nd Street (Walnut Street), as shown on the outline map attached to the application, marked Amendment to Exhibit "B"; 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 24<sup>th</sup> day of September 1925.

W. B. Brundage

George D. Tamm

Leon Whitall  
Commissioners.