

ORIGINAL

Decision No. 11131

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of C. E. SNYDER for certificate of)
public convenience and necessity)
to extend present truck so as to)
serve the vicinity of Lynwood, Cal.)

APPLICATION NO. 11121.

In the Matter of the Application)
of ARUTUNIAN, SAHAKIAN and GIEGER-)
OFF for certificate of public con-)
venience and necessity to operate)
a motor freight milk service be-)
tween Dominguez Junction, Compton)
and Los Angeles, points intermedi-)
ate there between and within a)
territory defined interior there-)
from.)

APPLICATION NO. 11257.

W. C. Snyder, for C. E. Snyder, Applicant.

R. T. Eddy, for Arutunian, Sahakian and
Giegeroff, Applicants and Protestants.

H. N. Blair, for Bozoff & Tarvoff, Protes-
tants in Application No. 11257.

L. W. Butterfield, for Atchison, Topeka &
Santa Fe Railway, Protestants.

BY THE COMMISSION:

O P I N I O N

C. E. Snyder has made application to the Railroad Com-
mission for a certificate of public convenience and necessity
to extend the truck service now maintained by him to include
the vicinity of Lynwood, Los Angeles County.

Arutunian, Sahakian and Giegeroff have made application

for a certificate of public convenience and necessity to operate motor freight milk service between Dominguez Junction, Compton and Los Angeles, including Lynwood, Palomar and Florence.

A public hearing herein was conducted by Examiner Williams at Los Angeles, at which time it was stipulated by all parties that the applications might be consolidated for hearing and decision.

Applicant Snyder originally served, under certificate from this Commission obtained by transfer from Otis A. Moore, (Decision No. 10104 on Application No. 7567), dairy ranches in the vicinity of 91st and San Pedro Streets, approximately five blocks outside the incorporated limits of the city of Los Angeles. According to the testimony in the present proceeding, applicant Snyder has continued at all times to give service to this section, and also to other dairies within the limits of the city of Los Angeles, there remaining at the present time but one dairy on the route acquired from Moore. During the intervening time dairymen formerly served by this applicant have moved into the vicinity of Lynwood and have established new dairies, and this applicant has followed them with his service. He now desires to retain his former service and extend it to include the Lynwood territory, to which he gave service for nearly two years under the exemption from regulation provided for 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. Applicant serves 12 dairies, producing approximately 200 cans of milk daily, which is transport-

ed a distance of about 14 miles to creameries at Los Angeles. Applicant also hauls, from Los Angeles to these dairies, feed and supplies approximating 50 tons monthly.

Applicant Snyder was opposed, as to the Lynwood territory, by applicants Arutunian, Sahakian and Giegeroff, on the ground that they, too, serve dairymen in the Lynwood district, having acquired the business by purchase from R. E. Robson, who had previously maintained service under certificate from this Commission.

The testimony shows that some shippers became dissatisfied with the service of protestants Arutunian, Sahakian and Giegeroff and changed to applicant Snyder's service. Protestants did not sustain their contention that applicant Snyder's service was not efficient and adequate, and the facts established show that the dairymen concerned merely exercised their choice in carriers. There was some showing that the losses sustained by these protestants were due to inefficient service.

Applicant Snyder introduced as witnesses in his behalf Nels Lantrup, J. Rosendall, J. N. Abbott, K. Olsen, John Johnson, E. A. Larsen, Mrs. Vedder, S. Dolph, A. Anderson and George L. Webb, all of whom testified as to the satisfactory character of applicant's service and the rates proposed by him. Applicant has extended his rate of 10 cents per can on milk to the Lynwood district and uniformly charges this rate. Protestants Arutunian, Sahakian and Giegeroff offer a rate of 12 cents a can and urged that applicant acquired the business by his lower rate. The shippers, however, tes-

tified that the rate did not affect their choice of applicant's service.

Applicants Arutunian, Sahakian and Giegeroff purchased, in January, 1924, the business of R. E. Robson, which had been conducted under certificate granted by Decision No. 10035 on Application No. 7374. The transfer did not have the sanction of this Commission. These applicants did not confine their service to the limitations of the certificate, and therefore are seeking a new certificate validating the business acquired by them under the exemption from regulation provided for by the so-called Crittenden Amendment to the Auto Transportation Act. These applicants now serve 25 dairies, producing 188 cans of milk daily, which is transported an average distance of 22 miles to creameries at Los Angeles.

The granting of this application was protested not only by Snyder, but by Bozoff & Tarvoff, applicants under Application No. 11258, on the ground that the application herein included territory west of the Los Angeles River along Main Street to Long Beach Boulevard, in which territory protestants Bozoff & Tarvoff claim they are giving service. These protestants utterly failed to demonstrate that they are giving service in this area, while applicants produced witnesses who testified that applicants were, at the time of the hearing, giving service to one dairy. This area is being converted to residential and industrial uses and dairying is being abandoned. Protestant Snyder made little opposition to the granting of the application of

applicants Arutunian, Sahakian and Giegeroff, except as to a portion of the Lynwood district.

Applicants Arutunian, Sahakian and Giegeroff were supported in their application by the testimony of R. E. Robson, Edwin R. Stockwell, W. O. Rozelle, Charles S. Harrington, Charles M. Titlow, Charles V. Harris, John Labori, John Armstrong and David Henderson, each of whom testified that applicants' service and rates were satisfactory. During the progress of the examination of these witnesses, it was disclosed that applicants charge a rate of 15 cents per can on milk from the Dominguez district, although no such rate was quoted in their application. Without objection, the application was amended to provide a 15-cent rate for the Dominguez section, leaving a 12-cent rate for all other sections.

Much testimony was presented in this case to show the competition existing between carriers in the field affected. From the evidence it is ascertained that there is a constant movement of dairies from one location to another, within prescribed areas, that most of the dairymen are members of the California Milk Producers' Association, which purchases and sells the milk produced by all its membership and allocates the output of individual dairies for delivery to the different creameries, frequently changing creamery destination on short notice. As a result, the carrier concerned may not at that time have any movement to the new creamery destination selected by the Association, hence the dairyman looks to a carrier serving the destination; and

where the quantity of milk is small, the carrier does not usually desire to add the different points of delivery. This condition makes a choice of carriers desirable in any field where there are large dairying interests, and we believe the record is clear, as to the cases under consideration herein, that a choice of service is necessary. For this reason we believe both applications herein should be granted in their entirety, thus giving shippers a choice of service, dependent upon the quality of service maintained by each carrier.

We therefore find as a fact, upon the record herein, that public convenience and necessity require the service as proposed by applicant Snyder, for the transportation of milk and dairy supplies only between Lynwood and Los Angeles, and intermediate points, and the service as proposed by applicants Arutunian, Sahakian and Giegeroff, for the transportation of milk and other dairy products and feed and dairy supplies, between Dominguez Junction, Compton and Los Angeles, serving intermediately Lynwood, Palomar and Florence, and that certificates of public convenience and necessity therefor should be granted. An order will be so entered.

O R D E R

C. E. Snyder having made application to the Railroad Commission for a certificate of public convenience and necessity to extend his present truck service to include the transportation of milk and dairy supplies between Lynwood and 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 extension of applicant Snyder's present truck service to
include the transportation of milk and dairy supplies between
Lynwood and Los Angeles, and intermediate points, over and
along the following route:

Alameda Street and Long Beach Boulevard to
Lynwood, Tweedy-Abbott Road to Atlantic Boulevard,
Atlantic Boulevard to Corlin Avenue, Corlin Avenue
to Bullis Road, Bullis Road to Palm Avenue, Long
Beach Boulevard and Alameda Street to Manchester
Avenue, Manchester Avenue to South Park Avenue,
South Park Avenue to 94th Street, South Park Ave-
nue and Main Street to 150 East Jefferson Street;
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 file with this Commission,
within twenty (20) days from date hereof,
his written acceptance of the certificate
herein granted as an extension and en-
largement of his present operative 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 author-
ized may not be sold, leased, transferred
nor assigned, nor service thereunder dis-
continued, 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.

Arutunian, Sahakian and Giegeroff having made application to the Railroad Commission for a certificate of public convenience and necessity to operate a motor freight milk service between Dominguez Junction, Compton and Los Angeles, and points intermediate, 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 as proposed by applicants herein, for the transportation of milk and other dairy products, and feed and dairy supplies, between Dominguez Junction, Compton and Los Angeles, and intermediate points, including Lynwood, Palomar and Florence, over and along the following route:

In Los Angeles on Slauson Avenue, west of Alameda Street; on Alameda Street between Slauson Avenue and Lynwood Road; on Lynwood Road between Alameda Street and Bullis Road; on Bullis Road between Lynwood Road and Main Street, Compton; on said Main Street between Bullis Road and Alameda Street; on Alameda Street between Main Street and Olive Street; on Olive Street between Alameda and Gibson Streets; on Gibson Street between Olive and Artesia Streets; on Artesia Street between Long Beach Boulevard and Alameda Street; and on Alameda Street between Artesia Street and Los Angeles Street; also on Long Beach Boulevard between Artesia Street and Los

Angeles Street, prolonged to intersect said boulevard; also on Orange Street between Alameda Street and Gibson Road; within the areas completely bounded by said streets, also detours and extensions from said streets not exceeding a distance of a half-mile in either direction;

PROVIDED, HOWEVER, that the area to be served by applicants over said route shall not extend beyond the following boundaries:

On the east by the Los Angeles River; on the west by Main Street; on the north by Northern Avenue and Florence Street; on the south by Dominguez Junction and a line drawn east thereof through Alameda Street and Long Beach Boulevard; 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. Applicants shall file with this Commission, within twenty (20) days from date hereof, their 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 applicants under the authority hereby granted unless such vehicle is owned or is leased by applicants 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 15th day of October 1925.

H. B. Brundage
C. A. Seaver
E. J. Edwards
Leon A. Whitall
Commissioners.