

Decision No. 15823

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of CHARLES B. BACON for certifi-)
cate of public convenience and)
necessity to operate freight, ex-)
press and baggage service between)
the southeast end of Dehesa Val-)
ley, Jamacha Valley, and San Diego,)
California.)

APPLICATION NO. 11505.

Claude M. Shell, for Applicant.

H. J. Bischoff, for Oppenheimer Truck
Line, Protestant.

BY THE COMMISSION:

O P I N I O N

Charles B. Bacon has made application to the Railroad Commission for a certificate of public convenience and necessity to operate freight, express and baggage service between the southeast end of Dehesa Valley, Jamacha Valley, and San Diego.

A public hearing herein was conducted by Examiner Williams at San Diego.

Applicant proposes this service for the transportation of milk from Dehesa, Jamacha, and Monte Vista (Sefton Ranch) to San Diego, an average distance of 20 miles, at a uniform rate, as amended at the time of hearing, of 30 cents per 10-gallon can. Applicant also proposes to transport freight of all kinds, as well as baggage and express, and offers a rate of \$3.75 per ton from Dehesa, \$3.00 per ton from Jamacha and \$2.25 per ton from Monte Vista. Applicant

testified that most of this movement would be in considerably less than ton lots, as he did not intend to limit his minimum to quantities of one ton or more, and agreed to file rates per hundred pounds. Applicant was granted permission to file a rate of 30 cents per crate for the transportation of eggs between the points named and San Diego. No proof of a need of express service was made.

Applicant proposes two round trips daily, the service to be conducted with a new $1\frac{1}{2}$ -ton truck which he has recently purchased.

Upon the showing made by applicant the protest of the Oppenheimer Truck Line was withdrawn.

Applicant proposes service in a small area not not having any service by rail or truck, and somewhat isolated from contact with any existing service, and which has approximately 40 cans of milk available daily for transportation to the San Diego market. Seven dairies in this area are without authorized transportation service. Applicant himself is a dairyman, located near Dehesa, and appears able to perform the service, although he has not heretofore engaged in such service.

We therefore find as a fact, upon the record herein, that public convenience and necessity require the operation of the service as proposed by applicant, except as to express shipments. An order will be entered accordingly.

O R D E R

Charles B. Bacon having made application to the Railroad Commission for a certificate of public convenience and necessity to operate a freight, express and baggage service between the southeast end of Dehesa Valley, Jamacha Valley and San Diego, 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 service as proposed by applicant herein, for the transportation of milk and other dairy products, feed and dairy supplies, and general freight and baggage, but not express, between the southeast end of Dehesa Valley, Jamacha Valley and San Diego; provided, however, that applicant shall perform no local service between San Diego and Lemon Grove, inclusive, but may make deliveries to any point intermediate to San Diego and Lemon Grove when commodities originate in or are destined to the Dehesa and Jamacha Valleys, over and along the following route:

From the village of Dehesa by main county road, westerly to the junction of the road running south along the Sweetwater River to its junction with the Potrero highway, and all points within seven miles easterly of said road, and thence over said road via Lemon Grove to San Diego, and vice versa; 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 of the date hereof, 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 15th day of October 1925.

H. R. Brundage
Chairman
Edward J. ...
Leon ...
Commissioners.