

Decision No. 11724

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application )  
of JOE BOZOFF and ACOP TARVOFF for )  
certificate of public convenience )  
and necessity to operate a motor )  
freight milk service between Los )  
Angeles and Hynes and Clearwater, )  
also between Long Beach and Artesia, )  
Bellflower, Downey, Norwalk and )  
Studebaker. )

APPLICATION NO. 11258

E. N. Blair and F. R. Carrell, for appli-  
cants.

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

Richard T. Eddy, for R. E. Robson, Protes-  
tant.

Phil Jacobson, for Hano & Semonian, Protest-  
ants.

Robert E. Austin, for A. T. Spencer, Protes-  
tant.

M. G. Ferrahian, for Ogenesoff & Oskanoff.  
Protestants.

BY THE COMMISSION:

O P I N I O N

Joe Bozoff and Acop Tarvoff have made application to the Railroad Commission for a certificate of public convenience and necessity to operate a motor freight milk service between Los Angeles and Hynes and Clearwater, also between Long Beach and Artesia, Bellflower, Downey, Norwalk and Studebaker. By amendment filed by permission at the time of hearing, applicants proposed additional service between Downey, Norwalk and Artesia

and Los Angeles.

A public hearing herein was conducted by Examiner Williams at Los Angeles, at which time the matter was duly submitted and now is ready for decision.

Applicants have conducted, since 1921, a business for the transportation of milk to Los Angeles and Long Beach. Previous to August, 1923, applicants operated under certificate of this Commission, but ceased this operation on the coming into effect of the so-called Crittenden Amendment to the Auto Transportation Act. Between that time and the time of the hearing herein, applicants had conducted their business wherever demand was made for their service, and at rates subject to adjustment with their patrons. In the present proceeding the Commission is asked to restore the original certificate and to enlarge the service by including new points.

Applicants serve approximately 45 dairies, transporting from 750 to 800 cans of milk daily to about ten different creameries in Los Angeles and Long Beach. Their equipment for the service consists of nine trucks and five trailers with a total capacity of 945 cans, and they appear to have well-devised arrangements to insure efficient service.

The principal objection made by the protestants herein to the granting of the application was as to the enlargement of service to Los Angeles by including Downey and Norwalk as points of origin. The record seems clear that these points are abundantly served by other carriers at the same rate as that proposed by applicants, and that, so far as these points are concerned, the application herein should be denied. It is equally clear

that applicants are not serving, and have not served for a long time, any patrons west of the Los Angeles River. With these exceptions we believe the record supports applicants' request for authority to serve the Hynes and Clearwater territory, and also Artesia, in the transportation of milk between these points and Los Angeles only.

As to applicants' service into Long Beach, there is little dispute as to all the points sought by them. Nearly all of the dairies are members of the Milk Producers' Association, through which the product of the dairies is allocated among the creameries at Los Angeles and Long Beach, and frequently changes in delivery are required. It would be impossible to fit this service by certificate into the variations shown to exist by this method of Association allocation, but it is quite clear from the record that any change in delivery as between Long Beach or Los Angeles can be easily accomplished, as there are enough carriers, including applicants, in this district for all purposes, and at practically the same rates.

Under the circumstances we believe that applicants should be permitted to serve Clearwater, Hynes and Artesia, (but not Downey and Norwalk) in the delivery of milk to Los Angeles, and to serve Artesia, Bellflower, Clearwater, Downey, Hynes, Los Alamitos, Norwalk and Studebaker in the delivery of milk to Long Beach. In reaching this conclusion we are practically reinstating applicants in the operation formerly conducted by them, with the addition of Artesia, and this enlargement is granted because of the fact that one of the dairies served by them operates at both Clearwater and Artesia and applicants have been giving satisfactory service to it.

We therefore find as a fact, upon the record herein, that public convenience and necessity require the operation of the service proposed by applicants herein, with certain restrictions and the eliminations already mentioned, and that a certificate therefor should be granted. An order accordingly will be entered.

#### O R D E R

Joe Bozoff and Acop Tarvoff having made application to the Railroad Commission for a certificate of public convenience and necessity to operate a motor freight milk service between Los Angeles and Hynes and Clearwater, and between Long Beach and Artesia, Bellflower, Downey, Norwalk and Studebaker, also between Downey, Norwalk and Artesia 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 operation of the service as proposed by applicants herein for the transportation of milk and dairy products between farms in the vicinity of Clearwater, Hynes and Artesia, and Los Angeles, and the return movement of dairy feed and supplies, and for the transportation of milk and dairy products between Artesia, Bellflower, Clearwater, Downey, Hynes, Los Alamitos, Norwalk and Studebaker, and Long Beach, and the return movement of dairy feed and supplies, over and along the following routes:

Into Los Angeles - Beginning at the junction of Temple Street and Main Street, Compton, (Temple Street situated one block east of Long Beach Boulevard; Main Street, Compton, also known as Lemon Street or Washington Street); east on Main Street to Gibson Road, north on Gibson Road to State Street, east on State Street to Michigan Avenue, north on Michigan Avenue to County Farm, including farms situated one-half mile on either side of Michigan Avenue, east on State Street to Ocean Avenue, south on Ocean Avenue to Washington Street, east on Washington Street to Cerritos Avenue, south on Cerritos Avenue to Center Street, west on Center Street to New York Avenue, south on New York Avenue to South Street, west on South Street past Maple Street to east bank of Los Angeles River, north along the east bank of Los Angeles River to Artesia Street, west on Artesia Street to Gibson Road, north on Gibson Road to Main Street.

Into Long Beach - Beginning at point where Southern Pacific Company railroad crosses the Los Angeles River, northwest of Downey, southeast along county road to Downey, southeast via Downey-Norwalk Boulevard to Norwalk, southeast from Norwalk via county road to junction with county road running directly south through the town of Cypress to Long Beach - Los Alamitos Boulevard; west from said junction via Long Beach - Los Alamitos Boulevard through the town of Los Alamitos to Long Beach city limits, north from Long Beach city limits following the east bank of the Los Angeles River to Southern Pacific Company railroad crossing northwest of Downey.

PROVIDED, HOWEVER, that applicants shall perform no service between the junction of Temple and Main Streets in the city of Compton and any point west of the Los Angeles River; and PROVIDED FURTHER, that applicants shall receive no shipment more than one-half mile north of State Street for transportation to Los Angeles; and

IT IS HEREBY ORDERED that a certificate 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 the date hereof; and shall commence operation of the service hereby authorized within a period of not to exceed thirty (30) days from the 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 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 7<sup>th</sup>  
day of December 1925.

H. B. Randige

C. Seavey

George D. Squires

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Commissioners.