

Decision No. 15778

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application )  
of JOSEPH K. HAWKINS for a cer- )  
tificate permitting him to operate )  
an automobile truck service for the )  
hauling of certain commodities be- )  
tween Wineville, Chino, Pomona and )  
Ontario districts, and certain )  
points immediate thereto, and Los )  
Angeles. )

APPLICATION NO. 11240

Phil Jacobson, for applicant.

H. W. Kidd and W. O. Schell, for  
R. A. Anderson, Protestant.

Fred Aberle, Jr., for Relph Trans-  
portation Company, Protestant.

BY THE COMMISSION:

#### O P I N I O N

Joseph K. Hawkins has made application to the Railroad Commission for a certificate of public convenience and necessity to operate an automobile truck service for the hauling of certain commodities between the Wineville, Chino, Pomona and Ontario districts, and certain points intermediate thereto, and Los Angeles.

A public hearing herein was conducted by Examiner Williams at Pomona.

Applicant for a number of years has maintained a large transportation service in the district south and east of Pomona and Ontario, which region is intensively devoted to milk pro-

duction. According to applicant's testimony at the hearing, he is now serving 130 dairies and transporting approximately 1350 cans of milk daily an average distance of 50 miles to creameries at Los Angeles, and also case milk to El Monte. The operation was conducted by applicant prior to August, 1923, under certificate from this Commission, but during the period from August, 1923, to April, 1925, he availed himself of the freedom from regulation provided by the so-called Crittenden Amendment to the Auto Transportation Act, and altered his service and rates. In the present application he is asking to have his operation as developed during this period made a certificated one.

The only back-haul which applicant proposes consists of dairy feed and dairy supplies destined to the dairies from which he transports milk, and the free return of empty cans. He has 12 trucks, representing an investment of approximately \$60,000, available for the service. A portion of this equipment is used to pick up the product of the dairies in the zone indicated by applicant in his rate statement, and the milk is transferred to larger equipment at Pomona and transported to Los Angeles and El Monte. At the hearing the application was amended to include the transportation of milk in cases to El Monte, at a base rate of 12 cents to either El Monte or Los Angeles.

Applicant proposes three rates. The zone immediately south and east of Pomona and Ontario carries a rate of  $17\frac{1}{2}$  cents, the zone farther south and east a rate of 20 cents, while for service beyond these two zones to and including Rincon the rate is 25 cents. These rates are much lower than those maintained by applicant when he operated under certificate.

It was the testimony of E. F. Roberts, E. S. Haynes, W. B. Mills and E. G. Faubion, shippers in the various districts involved, that the service of applicant was efficient and adequate, the rates satisfactory, and that they desired the service continued. T. H. Brice, secretary and manager of the California Milk Producers' Association, also testified that the service rendered by applicant was efficient and necessary for the membership of that organization, which includes practically all the producers.

Although the granting of the application met nominal protest from Ray A. Anderson and the Relph Transportation Company, no testimony was introduced by either protestant. Applicant stipulated with protestants that he would make no pick-up east of McCarty's Ranch at Corona Road and Archibald Avenue. As this stipulation removes conflict with the operation of protestant Anderson, there remains no protest against applicant's offer.

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, and an order granting a certificate therefor accordingly will be entered.

#### O R D E R

Joseph K. Hawkins having made application to the Railroad Commission for a certificate of public convenience and necessity to operate an automobile truck service for the hauling of certain commodities between the Wineville, Chino, Pomona

and Ontario districts, and certain points intermediate thereto, and Los Angeles and El Monte, 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, cream and dairy products between the Pomona, Ontario, Chino, Wineville and Rincon districts, and El Monte and Los Angeles, said districts being set out in detail on the map attached to the application herein and marked Exhibits "A" and "B"; provided, however, that applicant may not receive or deliver any consignment east of the junction of Archibald Avenue and Corona Road; and provided further, that applicant may transport milk in cases only between said districts and Pomona and El Monte; and for the return transportation of articles and commodities necessary for the business of dairying and consigned only to dairymen shipping from the above-mentioned points over applicant's service to El Monte or Los Angeles, including feed, dairy supplies, acetylene tanks, ammonia vats, utensils and machinery used exclusively in the business of dairying - and of no other service - over and along the following route:

Between Pomona, El Monte and Los Angeles via Valley Boulevard and Mission Road; provided, that applicant shall make free delivery in Los Angeles in the territory bounded by First Street, Alameda Street, Jefferson Street and Main Street, and may pick up a back-haul of dairy feed and supplies only in such zone; 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; shall file, in duplicate, time schedules and tariff of rates identical with those as set forth in Exhibits 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 hereby 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 21<sup>st</sup> day of December 1925.

W. B. Brundage

W. S. Quay

George D. Squire

Leon Whitely  
Commissioners.