



Irvington, Newark, Centreville, Alvarado, Gilroy, Salinas, Modesto, Hughson and Patterson and intermediate points, on the other hand.

A public hearing on this application was conducted before Examiner Satterwhite at Oakland, the matter was submitted and is now ready for decision.

Applicants propose to charge rates in accordance with Exhibit "A" attached to said application and to operate under a time schedule and over the respective routes described in paragraph IV on page two of said application, and to use the equipment described in paragraph V on page two of said application.

American Railway Express Company appeared at the hearing, but did not protest the application. Joseph Barrere protested the granting of said application only as to the service proposed to Tracy and Manteca.

Applicants called a considerable number of witnesses in support of their application, consisting of representatives of creameries located in Oakland, San Francisco and other bay cities, and the owners of creameries located at or near the various towns proposed to be served. The testimony shows that R. W. Rasmussen has, for sometime past, hauled for practically all of the creameries in San Francisco and East Bay cities, a large number of these creameries and dairies being named in paragraph VI of said application. The record shows that milk and cream are purchased by these creameries, which distribute the supply to the population in the cities from the dairies located on the farms and ranches where these commodities are

produced. The creameries or dairies are often located some distance from the highway, and the points from which the milk and cream are collected by applicants vary from time to time, due to the fact that the producers do not always sell to the same dairies, and the further fact that the truck men transport milk and cream under contracts for employment by the respective dairies which they serve. The record also shows, with little or no contradiction, that the transportation of milk and cream can be satisfactorily performed only by automobile trucks. The milk must be transported as soon as possible after milking time and as soon as it is cool in order to begin its transportation journey in as clean and fresh condition as possible. It has also been demonstrated by actual experience that the transportation can not be practically performed except by trucks, due to the fact that milk and cream are highly perishable and due to danger of contamination.

After careful consideration of all the evidence in this proceeding, we are of the opinion, and hereby find as a fact, that public convenience and necessity require the proposed service by applicants, and that the application should be granted.

#### ORDER

A public hearing having been held in the above entitled application, the matter having been submitted and being now ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the operation by R. W. Rasmussen and B. James, co-partners of an auto truck service as a common carrier of milk, cream and cottage

cheese between Oakland, San Francisco, Alameda, Berkeley, and Hayward, California, on the one hand, and Hayward, Decoto, Niles, Mission San Jose, Irvington, Newark, Centerville, Alvarado, Gilroy, Salinas, Modesto, Hughson and Patterson and intermediate points, on the other hand; and

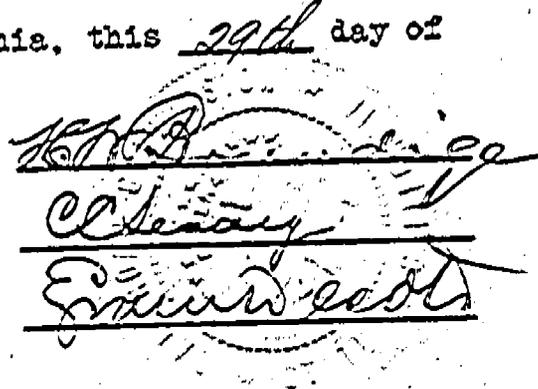
IT IS HEREBY ORDERED that a certificate of public convenience and necessity for the foregoing service be, and the same is hereby granted, subject to the following conditions:

1. Applicants shall file their written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from the date hereof; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty (20) days from the date hereof, such tariff of rates and time schedules to be identical with those attached to the application herein; and shall commence operation of said service within a period of not to exceed thirty (30) days from the date hereof.
2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
3. No vehicle may be operated by applicants herein unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes, except as hereinabove stated, the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 29th day of

March, 1926.

  
[Signature]  
[Signature]  
[Signature]  
Commissioners.