

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

Applicant proposes to charge rates and to operate on a time schedule in accordance with Exhibits "A" and "B" attached to said application, and to use the equipment described in Exhibit "C" attached thereto.

American Railway Express Company protested the granting of said application. Applicant called a number of witnesses in support of his application, consisting of representatives of creameries located at Oakland and San Francisco. All of these witnesses testified as to the public necessity for the service proposed by applicant.

The testimony shows that for a period of at least a year last past applicant has been transporting milk and cream from the dairies in the vicinity of Los Banos, Gustine and Newman to the Mutual Stores and the Jersey Creamery at Oakland, and to the Dairy Delivery Company at San Francisco. The record shows that milk and cream are purchased by these stores and creameries and distributed to consumers in all of these bay cities. The testimony shows, without contradiction, that the transportation of milk and cream can be more satisfactorily performed by automobile trucks, as it 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 a condition as possible.

The American Railway Express Company offered in evidence an exhibit which shows its present less than carload and carload charges on milk and cream between the points proposed to be served by said applicant, as well as its train service, in both directions between said points. This protestant also offered evidence to the effect that cream shipments from the territory proposed to be served are handled satisfactorily to shippers, and that they arrive in first-class condition.

95

We have carefully considered all the evidence in this proceeding and are of the opinion, and hereby find as a fact, that public convenience and necessity require the proposed service as a part of applicant's present operative rights, as aforesaid, 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 JOSEPH BARRERE of an automobile truck line as a common carrier of milk and cream between San Francisco, Oakland and Berkeley, on the one hand, and Crows Landing, Newman, Gustine and Los Banos, on the other hand, the proposed service to be an extension of the present operative rights of said applicant between San Francisco, Oakland, Berkeley and Manteca and Tracy, and intermediate points; 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. Applicant shall file his 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 applicant herein unless such vehicle is owned by said applicant or is leased by him 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 30th day of March, 1926.

H. B. Brundage

C. Stearns

Leon Atwell

Commissioners.