

ORIGINAL

Decision NO. 16392

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 W. A. KUNTZ and E. J. KUNTZ for cer-)
 tificate of public convenience and)
 necessity to operate auto truck ser-) Application No. 12083
 vice between Los Angeles and various)
 points in Southern California as set)
 forth in Exhibit "A" attached.)

W. A. Kuntz, for applicant,
 Phil Jacobson, for Keystone Express and Rex Transfer,
 Protestants,
 D. W. Layne, for Pacific Electric Railway Company,
 Protestant,
 L. C. Zimmerman, for Southern Pacific Company, Protestant.

WHITSELL, Commissioner -

O P I N I O N

W. A. Kuntz and E. J. Kuntz, co-partners, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile truck service for the transportation of products of Bishop and Company from Los Angeles to points adjacent thereto as follows:

- Los Angeles to Calabasas on Ventura Boulevard
- Los Angeles to San Fernando via Lankershim or Burbank
- Los Angeles to San Bernardino via Pasadena and Foothill Boulevard
- Los Angeles to Redlands via Pomona, Riverside, Colton and Valley Boulevard,
- Los Angeles to Corona via Whittier, Fullerton and Santa Ana Canyon
- Los Angeles to Newport Beach via Telegraph Road through Bandini, Anaheim and Santa Ana
- Los Angeles to Newport Beach via Long Beach Boulevard, Long Beach and Huntington Beach.
- Los Angeles to Redondo via Hermosa and Manhattan
- Los Angeles to Santa Monica via Wilshire Boulevard or via Washington Boulevard
- All routes to include right of delivery to all points within radius of 5 miles either side of main traveled highway.

Also for the transportation of newspapers from Los Angeles to Pasadena and Inglewood on Saturday night of each week.

Public hearings were held on this application at Los Angeles on February 23rd and March 24, 1926, the matter was duly

submitted and is now ready for decision.

Applicants allege that operation has been carried on over the above routes for the past nine years and that only recently were they informed that such operation was subject to the jurisdiction of the Railroad Commission and allege further that authorized carriers do not render the special service required by Bishop & Company.

Mr. W. A. Kuntz, one of applicant co-partnership, testified that Bishop and Company owned equipment which was used to deliver their products in Los Angeles and its vicinity. The products are handled in bulk thereby obviating the necessity of packing. When any piece of the Bishop Company equipment is inoperative, an operator is unable to work, or emergency orders require immediate transportation, applicants provide their equipment and handle the commodities in the same manner as the employees of Bishop & Company.

A considerable portion of applicants' operations are within the City of Los Angeles. A certificate is desired in order that operations beyond the corporate limits of the City of Los Angeles may be conducted legally and thus render a needed service to Bishop & Company and their customers, the latter being principally retail grocery stores. The service is a "store counter" delivery and not one that is rendered by any authorized carrier.

Applicants also deliver the Sunday edition of the Los Angeles Examiner on Saturday night to Pasadena and Inglewood. There was no protest regarding this portion of the proposed service. Applicants propose to use in this service six pieces of equipment with a total rated capacity of $7\frac{1}{2}$ tons, valued at about \$5000.

Mr. J. L. Crawford, Superintendent for Bishop & Company, confirmed the testimony of the foregoing witness as to the service received and further stated that deliveries were made to 205 towns in Southern California. This witness was of the opinion that no service would be required beyond five miles laterally on each side of the routes specified. The service heretofore rendered by applicants has been very satisfactory and Bishop & Company desire its

continuance.

Mr. L. C. Zimmerman, testifying for protestant Southern Pacific Company, furnished data as to the merchandise freight cars operated to various points included within the routes specified by applicants. No pick-up or delivery service is furnished by this protestant, and goods require proper packing.

After full consideration of the evidence in this proceeding I am of the opinion and hereby find as a fact, that public convenience and necessity require the granting of the application in accordance with the following recommended order.

O R D E R

Public hearings having been held on the above entitled proceeding, the matter having been duly submitted and the Commission being now fully advised and basing its order on the finding of fact as set forth in the opinion which precedes this order:

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by W. A. Kantz and E. J. Kantz, co-partners in business, of a motor truck line for the transportation of products of Bishop & Company, and the return of empty containers, over and along the following routes including an area of five miles on each side of said routes:

- 1- Los Angeles to Calabasas via Ventura Boulevard
- 2- Los Angeles to San Fernando via Lankershim or Burbank
- 3- Los Angeles to San Bernardino via Pasadena and Foothill Boulevard
- 4- Los Angeles to Redlands via Pomona, Colton and Valley Boulevard
- 5- Los Angeles to Corona via Whittier, Fullerton and Santa Ana Canyon
- 6- Los Angeles to Newport Beach via Telegraph Road through Bandini, Anaheim and Santa Ana, or via Long Beach Boulevard, Long Beach and Huntington Beach,
- 7- Los Angeles to Los Angeles Harbor District, via Truck Boulevard
- 8- Los Angeles to Redondo via Hermosa and Manhattan
- 9- Los Angeles to Santa Monica via Wilshire or Washington Boulevards

and the transportation of the Sunday edition of the Los Angeles Examiner on Saturday evenings to Pasadena and Inglewood from Los

Angeles; and

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

1- Applicants shall file their written acceptance of the certificate herein granted within a period not to exceed ten (10) days from date hereof; shall file, in duplicate, tariff of rates, rules and regulations, and time schedules within a period of not to exceed twenty (20) days from date hereof, such tariff of rates, rules and regulations, and time schedules to be identical with those of the amended application, and/or acceptable to the Commission; and shall commence operation of the authorized service within thirty (30) days from date hereof.

2- The rights and privileges herein conferred may not be sold, leased, transferred, assigned, or service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance of service has first been secured.

3- No vehicle may be operated by applicants herein under the authority hereby conferred, 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.

4- For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 2nd day of April 1926.

H. B. Brundage

C. Seamy

Frank Good

Leon Whittell

COMMISSIONERS.