

Decision No. 16449

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of LEE J. STODDARD for certificate of public convenience to operate freight service, consisting solely of fruit between Kelseyville and vicinity and Hopland.	) ) ) ) ) ) )	Application No. 11516
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In the Matter of the Application of M. W. and L. R. PRATHER for a certifi- cate of public convenience and necess- ity authorizing the operation of auto- motive truck service between Big Val- ley, including Kelseyville and Finley and Hopland, California.	) ) ) ) ) ) )	Application No. 11523
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In the Matter of the Application of A. F. STEPHENS for a certificate of public convenience and necessity au- thorizing the operation of automotive truck service between Big Valley, in- cluding Kelseyville and Finley and Hopland, California.	) ) ) ) ) ) )	Application No. 11524
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ORIGINAL

Chas. A. Beck, for Applicants.

BY THE COMMISSION:

O P I N I O N

By Application No. 11516, as amended, Lee J. Stoddard seeks a certificate of public convenience and necessity, authorizing the operation of an auto truck service for the transportation of fruit and packing house supplies between Kelseyville and Hopland, operating on no fixed schedule, but as often as required by the necessities of the traffic. The proposed rates are as follows:

1.

Packing House Supplies - - - - -	\$5.00 per ton
Packed Green Fruit - - - - -	.12 $\frac{1}{2}$ per box
Dried Fruit - - - - -	.22 per 100 lbs.

In Application No. 11523, as amended, M. W. Prather and L. R. Prather, as co-partners, have applied for a certificate of public convenience and necessity, authorizing the operation of an automotive truck service for the transportation of packed, green and dried fruit and packing house supplies between Kelseyville and Hopland, on the one hand, and between Lakeport and Ukiah, on the other hand, operating under no regular schedule, but as often as required by the traffic tendered. The rates proposed are identical to those mentioned in the Stoddard application.

In Application No. 11524, as amended, A. F. Stevens has petitioned for a certificate of public convenience and necessity, authorizing the operation of an automotive truck service for the transportation of packed, green and dried fruit and packing house supplies between Kelseyville and Hopland operating under no fixed schedule, but as often as required by the necessities of the traffic. His rates also are identical to those proposed by Stoddard.

A public hearing was held before Examiner Austin at Lakeport on February 17, 1926, when these applications were consolidated for hearing and decision, evidence was offered, the matter was duly submitted and it is now ready for decision.

Lee J. Stoddard (applicant in No. 11516) testified that during the past two years he has been hauling fruit to Hopland, using three trucks for that purpose, the number specified in his application, and that he has the financial means to continue the service.

M. W. Prather, one of the applicants in Application No. 11523, stated that since June, 1925, he has been handling emergency shipments of fruit. For this service he has available one Fageol 5-ton, 6-wheel truck, having sold the trailer described in his application, but he has assurance from responsible persons that he may use another truck if necessary. Applicants appear to be financially able to conduct the proposed service.

A. F. Stephens, applicant in Application No. 11524, testified that during the past six years he has been hauling green and dried fruit between Big Valley and Hopland serving the packing sheds in the vicinity of Kelseyville. His equipment consists of one 2-ton traffic truck and one 2-ton Federal truck, which together can haul a total load of eight tons. Applicant has sufficient means to conduct the proposed service.

Applicants called several witnesses engaged in producing, packing or drying fruit. From their testimony it appears that in the Finley District south of Lakeport is an area devoted largely to the raising of pears, the normal annual production being estimated at from 14,000 to 18,000 tons, of which from 5000 to 9000 tons are normally trucked out through Hopland. A smaller area is found in Scotts Valley north of Lakeport from which pears are shipped by truck to Ukiah. This commodity is highly perishable and must be shipped promptly to avoid deterioration. Ordinarily, all available trucks are used to move the crop. The witnesses have used applicants' facilities and found them satisfactory, their shipments consisting of green, packed and dried fruit, and packing house supplies.

From the Finley district operations are conducted between

Kelseyville and Hopland over the county road known as the Lakeport-Kelseyville road running from Kelseyville to the junction of the state highway south of Lakeport and thence over the state highway to Hopland. From the Scotts Valley section a county road known as the Scotts Valley road runs from Lakeport to a junction with the state highway near Blue Lakes and thence over the state highway to Ukiah. The record shows that these are the only highways used in conducting this service, all fruit originating at orchards, packing houses or drying houses in these districts ultimately finding its way to these highways.

The record indicates a substantial need for the proposed service and in our judgment all three applications should be granted. Service will be authorized from Kelseyville and Lakeport, respectively, the termini provided in the amended applications.

Upon full consideration of all the evidence herein, we are of the opinion, and hereby find as a fact, that public convenience and necessity require the operation by Lee J. Stoddard of an automotive truck service for the transportation of fruit and packing house supplies between Kelseyville and Hopland and intermediate points over and along the following route, viz.: over the county road known as the Lakeport-Kelseyville road from Kelseyville to its junction with the state highway south of Lakeport and thence over said state highway to Hopland.

We are also of the opinion and hereby further find as a fact that public convenience and necessity require the operation by M. W. Prather and L. R. Prather, as co-partners, of an automotive truck service for the transportation of fruit and packing house supplies as follows:

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

hereby further declares that public convenience and necessity require the operation by A. F. Stephens of an automotive track service for the transportation of fruit and packing house products between Kelseyville and Hopland over and along the following route: over the county road known as the Lakeport-Kelseyville road from Kelseyville to its junction with the state highway south of Lakeport and thence over said state highway to Hopland.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to said A. F. Stephens for the operation of the service hereinabove described, subject to the conditions hereinafter set forth.

The authority herein granted is subject to the following conditions with respect to each and all of said applicants, to-wit:

1. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof, shall file in duplicate tariff of rates and time schedules identical with those set forth or referred to in the application and amendment to application herein within a period of not to exceed twenty (20) days from date hereof and shall commence the operation of the service herein authorized within a period of not to exceed thirty (30) days from 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.

1. Between Kelseyville and Hopland and intermediate points over and along the following route, viz.: over the county road known as the Lakeport-Kelseyville road from Kelseyville to its junction with the state highway south of Lakeport and thence over said state highway to Hopland.

2. Between Lakeport and Ukiah and intermediate points over and along the following route, viz.: over the Scotts Valley road from Lakeport to its junction with the state highway near Blue Lakes and thence over said state highway to Ukiah.

We are also of the opinion and hereby further find as a fact that public convenience and necessity require the operation by A. F. Stephens of an automotive truck service for the transportation of fruit and packing house products between Kelseyville and Hopland over and along the following route: over the county road known as the Lakeport-Kelseyville road from Kelseyville to its junction with the state highway south of Lakeport and thence over said state highway to Hopland.

An order will be entered accordingly.

#### O R D E R

A public hearing having been held in the above entitled applications, the matters having been consolidated for the purpose of receiving evidence and for decision, having been duly submitted, the Commission being now fully advised, and basing its order on the findings of fact appearing in the opinion preceding this order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
hereby declares that public convenience and necessity require

the operation by Lee J. Stoddard of an automotive truck service for the transportation of fruit and packing house supplies between Kelseyville and Hopland and intermediate points over and along the following route, viz.: over the county road known as the Lakeport-Kelseyville road from Kelseyville to its junction with the state highway south of Lakeport and thence over said state highway to Hopland.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to said Lee J. Stoddard for the operation of the service hereinabove described, subject to the conditions hereinafter set forth.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby further declares that public convenience and necessity require the operation by M. W. and L. R. Prather, as co-partners, of an automotive truck service for the transportation of fruit and packing house supplies as follows:

1. Between Kelseyville and Hopland and intermediate points over and along the following route, viz.: over the county road known as the Lakeport-Kelseyville road from Kelseyville to its junction with the state highway south of Lakeport and thence over said state highway to Hopland.

2. Between Lakeport and Ukiah and intermediate points over and along the following route, viz.: over the Scotts Valley road from Lakeport to its junction with the state highway near Blue Lakes and thence over said state highway to Ukiah.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to said M. W. and L. R. Prather, as co-partners, for the operation of the service hereinabove described, subject to the conditions hereinafter set forth.

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 9<sup>th</sup> day  
of April, 1926.

W. A. Anderson  
C. A. ...  
Edward Deeds

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Commissioners.