

Decision No. 16560

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 BARNETT & SANDERSON, for certificate
 of public convenience and necessity
 to operate freight trucks between the
 towns of Loomis and Newcastle and in
 the town of Penryn.

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)
) Application No. 11599
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ORIGINAL

Prewett & Chamberlain, by W.J. Prewett, for
 Applicant.

WHITSELL, Commissioner -

O P I N I O N

Clarence and George Sanderson, co-partners in business, and operating under the fictitious name of Service Truck Company, successors in interest to Barnett & Sanderson, in their amended application petition 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 fruit and other commodities between Loomis, Penryn, Newcastle and Lincoln, and intermediate points, also to and from points within a territory of four mile radius from Penryn and including that community.

A public hearing was held on this application on January 12, 1926, at Auburn, at which time the matter was duly submitted.

Applicants allege that present transportation companies operating in this territory are not in a position to satisfactorily transport the large volume of packed and unpacked fruit and supplies moving between the foregoing points, and that the proposed service will be more economical and meet a public need. The proposed tariff of rates is attached to the application. Applicants propose to use three trucks with a rated capacity of 3½ tons and to add to such equipment as the traffic may demand.

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Clarence Sanderson, one of applicant co-partnership, testified that Loomis, Penryn and Newcastle are the shipping points for a large fruit growing area and that during the fruit season it is necessary to transport fruit between these points, to consolidate carloads for rail shipment or to include a particular variety of fruit in a certain car. This method of handling is of great advantage as a number of the fruit houses have branches at other places. During the fruit season and the remainder of the year there is a continual demand for supplies of all kinds in connection with the growing and packing of fruit, also the movement of building material as some of the points were not completely stocked and transportation from the nearest point where stocks are available is necessary. Burnt clay products are also hauled from the pottery at Lincoln.

Mr. Carpenter, a former owner of Service Truck Company, corroborated the testimony of the foregoing witness, claiming that truck movement is essential for the economical and proper shipping of fruit, and the general needs of these communities.

Five witnesses testified that they were connected with companies engaged in fruit buying and shipping or growers of fruit in this territory.

These witnesses all testified regarding their need for applicants' proposed service. Arthur E. Flint, a merchant at Penryn, testified regarding the need for transportation of feed, fuel, building material and general merchandise. The local demand for some of these commodities is somewhat limited and appreciable stocks are not carried and are usually purchased from the nearest points.

As to the territory within a four mile radius of the town of Penryn, as routes or termini are not designated, the Commission is without jurisdiction and the order hereafter made will not include that portion of the petition.

No one appeared in protest to the granting of this application.

I am of the opinion and hereby find as a fact that public convenience and necessity require the operation of a motor truck service, not as a scheduled service but as an "on call" or demand service, between Loomis, Penryn, Newcastle and Lincoln, and intermediate points.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted, the Commission being now fully advised and basing its order on the finding of fact as appearing 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 Clarence and George Sanderson, co-partners in business, operating under the fictitious name of Service Truck Company, of a motor truck service, on demand, for the transportation of packed and unpacked fruit, shock, mill feeds, hay, fuel, fertilizer, farm machinery, spray material, building material and burnt clay products, between Loomis, Penryn and Newcastle, and intermediate points; and burnt clay products from Lincoln to any or all of the above points, and

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

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

2- The rights and privileges herein authorized may not be sold, leased, assigned, transferred, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, assignment, transfer 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 purposes other than hereinabove noted, 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 26th day of April, 1926.

H. B. Randall

C. Deering

Leon Whitell

Commissioners.