

Decision No. 16607

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of ELON C. PROCTOR, IVAN C. PROC-)
TOR and NORMAN C. BOARDMAN, a co-)
partnership doing business under)
the name of PROCTOR'S AUTO EXPRESS,)
for a certificate of public conve-)
nience and necessity to operate)
motor truck freight service between)
ranches, canneries and packing)
houses.)

APPLICATION NO. 11245.

Francis Isgrigg, for Applicants.

H. J. Bischoff, for W. & S. Truck Company,
Protestant.

Phil Jacobson, for Franchise Motor Freight
Association, Protestant.

D. W. Layne, for Pacific Electric Railway
Company, Protestant.

BY THE COMMISSION:

O P I N I O N

Elon C. Proctor, Ivan V. Proctor and Norman C. Boardman, a co-partnership doing business under the name of Proctor's Auto Express, have made application to the Railroad Commission for a certificate of public convenience and necessity to operate a truck transportation service between San Fernando and points in Southern California as far north as Bakersfield, as far south as Hemet, as far east as Banning and as far west as Santa Barbara.

A public hearing herein was conducted by Examiner Williams at Los Angeles.

Applicants stipulated at the outset that they did not seek to perform service to any point more than 50 miles from San Fernando, and also excluded from their operation delivery to the market at Los Angeles or to Los Angeles harbor. Upon this stipulation the protest of the W. & S. Truck Company and Franchise Motor Freight Association was withdrawn.

According to the testimony of Norman C. Boardman, applicants maintain a general trucking service in the city of San Fernando, which is a city of the sixth class entirely surrounded by the city of Los Angeles. Service has been performed for 10 fruit and vegetable packing and marketing organizations having headquarters in San Fernando, which organizations purchase crops and orchard products from ranches not only in the immediate vicinity of San Fernando, but also in the Santa Paula and Simi Valleys, and occasionally from points in Orange County and other counties. This is exclusively a movement by which applicants gather the harvested crops in the fields and transport them to the packing houses in San Fernando. Applicants estimated that in the past three years they had transported 5700 tons of oranges, 500 tons of lemons, 750 tons of lettuce, 500 tons of tomatoes and 100 tons of grapefruit, besides other products.

F. A. Pomeroy, manager of the San Fernando Fruit Growers' Association, representing 100 growers within 12 miles of San Fernando, and A. J. Wilson, manager of a vegetable packing house at San Fernando which absorbs the product of 85 growers, the most distant of whom is 26 miles from San Fernando, testified generally as to the miscellaneous and irregular hauling performed

for them by applicants. Neither the applicants nor the witnesses could indicate any movement performed in the past, or to be expected in the future, between fixed termini or over a regular route.

We therefore find as a fact, upon the record herein, that the motor freight service proposed by applicants is not to be performed between fixed termini or over regular routes. The application accordingly should be dismissed for want of jurisdiction and an order will so provide.

O R D E R

Elon C. Proctor, Ivan C. Proctor and Norman C. Boardman, a co-partnership doing business under the name of Proctor's Auto Express, having made application as amended to the Railroad Commission for a certificate of public convenience and necessity to operate a motor truck freight service between ranches, canneries and packing houses and other points in Southern California within a radius of 50 miles of San Fernando, a public hearing having been held, the matter having been duly submitted and now being ready for decision.

IT IS HEREBY ORDERED that the application herein be and the same is hereby dismissed without prejudice.

Dated at San Francisco, California, this 3^d day of

May, 1926.

H. B. Boardman

C. A. ...

Edward ...

COMMISSIONERS.