

Decision No. 17549

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of J. G. OWENS for certificate of)
public convenience and necessity)
to operate auto truck service be-)
tween creameries in Los Angeles)
and dairy ranches located in Los)
Angeles County south of Los Ange-)
les city limits in following zone:)
North, Manchester Ave; east, Cen-)
tral Ave; south, Orange Street;)
west, Main Street.)

APPLICATION NO. 11863

J. G. Owens, Applicant, in Propria Persona.
Guy Lewis, for Bob Arutoff, Protestant.
C. E. Snyder, Protestant, in Propria Persona.

BY THE COMMISSION:

O P I N I O N

J. G. Owens has made application to the Railroad Commission for a certificate of public convenience and necessity to operate auto truck service between creameries in Los Angeles and dairy ranches located in Los Angeles County south of the Los Angeles city limits, in the following zone: North, Manchester Avenue; east, Central Avenue; south, Orange Street; and west, Main Street.

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

Applicant proposes to serve a limited area in Los Angeles County south of the southern city limits of Los Angeles.

Service to this area was begun by applicant over a year ago, because, he claims, protestant Arutoff failed to pick up milk delivered to him at the roadside, with the result that several times the milk was de-graded at the creamery, causing loss to applicant and others. The zone in which applicant proposes to operate is bounded by Main Street, Central Avenue, Manchester Avenue and Orange Street. Applicant has transported milk for C. B. Jefferson, Paul Vendenberg and Manuel Fondes from points within this zone, and asks the privilege of transporting milk from the Davis ranch on the northern edge of the zone.

Applicant testified that protestant Arutoff had been negligent in the conduct of his service, that he had been quarrelsome with customers and had threatened applicant at times when applicant was transporting milk under the exemption from regulation provided by the so-called Crittenden Amendment to the Auto Transportation Act, which amendment was declared unconstitutional by the Supreme Court in April, 1925. Applicant and his witnesses declared they would not ship milk by protestant Arutoff, no matter what the cost, because of his unsatisfactory service and alleged disagreeable personality.

It appears from the testimony that this protestant has given some just cause for complaint on the part of a few shippers within this area, although the allegation of violence or threatened injury to any of the parties is not sustained by the evidence.

It seems apparent that with the limited number of customers and the rate charged, the business would scarcely be self-sustaining, but applicant explained that the difference be-

tween the return on de-graded milk and on standard milk would more than offset the lack of profit on the operation.

The record shows that applicant began service under the exemption provided by the Crittenden Amendment to the Auto Transportation Act, and that the service he has rendered to himself and three other dairymen has been satisfactory. The service has been generally conducted within the territory sought by applicant in the instant application, except that no service has been given north of 120th Street. We believe his service should be permitted to continue within the district actually served, and that a certificate therefor should be granted. An order accordingly will be entered.

O R D E R

J. G. Owens having made application to the Railroad Commission for a certificate of public convenience and necessity to operate auto truck service between creameries in Los Angeles and dairy ranches located in Los Angeles County south of Los Angeles city limits in the following zone: North, Manchester Avenue; east, Central Avenue; south, Orange Street, and west, Main Street, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the service as proposed by applicant herein, for the transportation of milk and dairy feed and supplies only within the district bounded by 120th Street, Central Avenue, Orange Street

and Main Street, in Los Angeles County, over and along the following route:

Via Central Avenue into the city of Los Angeles;
and

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

- I. Applicant shall file with this Commission, within twenty (20) days from date hereof, his written acceptance of the certificate herein granted; shall file, in duplicate, time schedules and tariff of rates identical with those as set forth in Exhibit attached to the application herein within a period of not to exceed twenty (20) days from date hereof; and shall commence operation of the service hereby authorized within a period of not to exceed thirty (30) days from date hereof.
- II. The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.
- III. No vehicle may be operated by applicant under the authority hereby granted unless such vehicle is owned or is leased by applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

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

Dated at San Francisco, California, this 29th day
of October 1926.

H. B. ...
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Leon ...
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COMMISSIONERS.