

Decision No. 17635

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of E. D. ARNETT for certificate
of public convenience and neces-
sity to operate a freight truck
service between Chino District and
Pomona, Covina, Claremont, Upland,
San Bernardino, Redlands, Highgrove,
Riverside, Corona, and intermediate
points.

APPLICATION NO. 11899.

Hugh Gordon, for Applicant.

BY THE COMMISSION:

O P I N I O N

E. D. Arnett has made application to the Railroad Commission for a certificate of public convenience and necessity authorizing him to transport barnyard fertilizer over the public highways between dairy ranches in the Chino district and orchards and ranches located at Pomona, Covina, Claremont, Upland, San Bernardino, Redlands, Highgrove, Riverside, Corona and intermediate points.

A public hearing herein was conducted by Examiner Williams at Riverside.

Applicant has been engaged in the transportation of barnyard fertilizer for several years, making deliveries chiefly for the Hansen Fruit Company of Upland. H. W. Everetts, testifying in behalf of this company, stated that applicant

had been employed by them for four years and that his service had been abundantly satisfactory. The Hansen Fruit Company is the purchaser of large quantities of barnyard fertilizer from 200 or more dairies in the Chino-Pomona region. Applicant obtains this fertilizer at the point of production and delivers it to orchards in the various localities named in the application, on demand of the purchaser.

Applicant also seeks a certificate authorizing him to transport barnyard fertilizer between the team tracks at Pomona, Ontario, Upland and Claremont, on the one hand, and Covina, San Bernardino, Redlands, Riverside, Highgrove and Corona, on the other, and all intermediate points, including orchards, farms and ranches located within five miles on either side of the main highways traversed.

The testimony shows that considerable shipments of fertilizer from other regions are made by rail and distribution of the shipments to the orchards is made by applicant.

It appears from the testimony of applicant and Mr. Everetts that this service is conducted largely on call and that the movements are not of such frequency or continuity as to constitute an operation between fixed termini or over regular routes. The operation therefore does not come within the jurisdiction of this Commission under the Auto Stage and Truck Transportation Act and the application herein should be dismissed. An order will be entered accordingly.

O R D E R

E. D. Amott having made application to the Railroad Commission for a certificate of public convenience and necessity to operate a freight truck service between the Chino district

and Pomona, Covina, Claremont, Upland, San Bernardino, Redlands, Highgrove, Riverside, Corona and intermediate points, and between team tracks at Pomona, Ontario, Upland, and Claremont, on the one hand, and Covina, San Bernardino, Redlands, Riverside, Highgrove and Corona, on the other, and all intermediate points, including orchards, farms and ranches located within five miles on either side of the highways traversed, 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 FINDS AS A FACT that applicant herein does not propose
to operate between fixed termini or over a regular route; and

IT IS HEREBY ORDERED that the application herein be
and the same hereby is dismissed for lack of jurisdiction.

Dated at San Francisco, California, this 18th
day of November 1926.

W. B. Brundage
C. S. Bailey
Samuel B. Curtis
Thomas S. Curtis
COMMISSIONERS.