

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 R. J. ROGERS, an individual, for cer-)
 tificate of public convenience and)
 necessity to operate automobile freight)
 service for the transportation of cream) Application No. 11148.
 in cans and millfeed and hay between)
 Petaluma and Nicasio, and between Point)
 Reyes and Nicasio, California, service)
 to be between dairies and ranches lo-)
 cated in radius of Nicasio.)

In the Matter of the Application of)
 JAMES RUSCONI for certificate of public)
 convenience and necessity to operate)
 automobile freight service for the)
 transportation of cream in cans and mill-) Application No. 13252.
 feed and hay as a common carrier between)
 Nicasio and Petaluma and between Point)
 Reyes Station and Nicasio, service to)
 be between dairies and ranches located)
 in radius of Nicasio.)

Thomas P. Boyd, for R. J. Rogers, Applicant in Ap. 11148,

C. F. Reindollar, for James Rusconi, Applicant in Ap. 13252,

W. J. Cummings, for Northwestern Pacific Railroad Company.

BY THE COMMISSION:

O P I N I O N

In Application No. 11148, R. J. Rogers seeks a certificate of public convenience and necessity authorizing the establishment of an automotive freight service for the transportation of cream in cans, millfeed and hay between Petaluma and Nicasio and between Point Reyes and Nicasio. By Application No. 13252 James Rusconi seeks a similar certificate for

the transportation of the same commodities between the same points. Accompanying each application is a tariff of the proposed rates and time schedule.

A public hearing was held before Examiner Austin at Novato on November 15, 1926, when these applications were consolidated for hearing and decision, evidence was offered and the matters were duly submitted.

Applicant R. J. Rogers testified that for the past 18 months he has been engaged in conducting a trucking service, handling cream, millfeed and hay, serving principally the dairy farms situated along the proposed route. The community of Nicasio is situated between two parallel lines of the Northwestern Pacific Railroad Co., 16 miles from Petaluma and 29 miles from Point Reyes, both of which are served by said railroad. The territory surrounding Nicasio is devoted primarily to dairy farming, the ranches averaging 1000 acres each, with from 50 to 200 head of stock upon each farm. In this territory there is a heavy demand for millfeed, estimated at 1500 tons annually, some of which is produced locally in Petaluma, and the rest shipped by rail either to Petaluma or Point Reyes, while cream is hauled from the ranches to dairies in Petaluma and Point Reyes. Applicant Rusconi testified that for the past 21 months he has been engaged in hauling mill feed, hay and cream throughout this territory. He corroborated Rogers' testimony relating to the need for this service and each expressed the opinion that there was sufficient business to justify the operation of both lines. Rogers' equipment consists of two Federal trucks of 2 and 2½ tons capacity respectively, while Rusconi has three trucks, viz.- one White 2½-ton truck, one G.M.C. 1-ton truck and one Ford 1/2-ton truck. A petition

was received signed by 18 residents of Nicasio and vicinity endorsing both applications. Applicants called 13 witnesses, all of whom were dairy farmers in the vicinity of Nicasio, owning farms ranging from 500 to 2400 acres in extent, each farm supporting from 80 to 450 dairy cows. Four of these witnesses detailed their needs for a transportation service while the others corroborated this testimony generally. The territory surrounding Nicasio is not served by a railroad, therefore a trucking service is essential for bringing in millfeed and shipping out cream. All of these witnesses stated that the service of both Rogers and Rusconi was necessary and that there was sufficient traffic to justify the operation of both lines. The service of each of the applicants has been satisfactory, it was stated.

The Northwestern Pacific Railroad Company entered an appearance at the hearing, but withdrew any protest against the granting of either application upon both applicants stipulating that no commodities would be handled from one merchant to another merchant.

The facts in this case indicate a need for the proposed transportation service and demonstrate that there is sufficient business to justify the operation of both lines.

Applicant Rusconi amended his rate schedule so as to adopt the rates shown in Exhibit "A" accompanying the application of R. J. Rogers, thus insuring uniformity of rates.

Upon full consideration of the evidence, we are of the opinion and hereby find as facts that public convenience and necessity require:

1. The operation of an automotive truck service by R. J. Rogers, as a common carrier, for the transportation of cream in cans, millfeed and hay between Petaluma and Nicasio and between Point Reyes and Nicasio, and
2. The operation of an automotive truck service by James Rusconi, as a common carrier, for the transportation of said commodities between said points.

3.

An order will be entered accordingly:

O R D E R

A hearing having been held in the above applications, the matters having been duly submitted, the Commission being now fully advised, and basing its order on the findings of fact which appear in the Opinion preceding this Order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation of an automotive truck service by R. J. Rogers, as a common carrier, for the transportation of cream in cans, millfeed and hay between Petaluma and Nicasio and between Point Reyes and Nicasio.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to said R. J. Rogers, 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 of an automotive truck service by James Rusconi, as a common carrier, for the transportation of cream in cans, millfeed and hay between Petaluma and Nicasio and between Point Reyes and Nicasio.

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

The authority herein granted to each of said applicants is subject to the following conditions:

1. Applicant shall not transport any commodities from any merchant as consignor to any merchant as consignee.
2. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.
3. Applicant shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof, tariff of rates and time schedules to be identical with those proposed at the hearing herein, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed sixty (60) days from the date hereof.
4. 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.
5. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him 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 the date hereof.

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

J. B. ...
of ...
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Leon ...
...
 Commissioners.