

Decision No. 17668

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of ISAAC SHAKARIAN, TOM KARDASIAN
and JOE PERUMEAN to extend present
operative rights to that of serv-
ing the following route, commenc-
ing at the corner of Somerset Avenue
and Artesia Street on the present
authorized route, thence east on
Artesia Street to San Gabriel River,
north along west bank of San Gabriel
River to Downey-Norwalk Road, thence
east on Downey-Norwalk Road to Puente
Mills Road, thence north one-half
mile to dairy, and back to Downey-
Norwalk Road over same route, with
right to serve all territory not more
than one-half mile distant from main
traveled road on said route.

APPLICATION NO. 12823.

Fred C. Bigby for Applicants.

Richard E. Eddy for R. E. Robson, Protestant.

Rex W. Boston for A. T. Spencer and H. C. Ven-
able, Protestants.

BY THE COMMISSION:

O P I N I O N

Isaac Shakarian, Tom Kardasian and Joe Perumean have petitioned the Railroad Commission for an order authorizing the extension of their existing operative rights to permit them to furnish milk truck service over a route commencing at the corner of Somerset Avenue and Artesia Street on their present authorized route and proceeding eastwardly on Artesia Street to San Gabriel River, thence north along the west bank of the San

Gabriel River to the Downey-Norwalk Road, thence east on the Downey-Norwalk Road to Puente Mills Road, thence north one-half mile to dairy, and back to the Downey-Norwalk Road over the same route, with the privilege of serving all territory within one-half mile of the main highways traversed.

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

Applicants propose an extension of their present authorized service for the transportation of milk and other dairy products from ranches in the vicinity of Hynes, Clearwater and Downey to Los Angeles. The extension would cover certain highways a distance of approximately $3\frac{1}{2}$ miles. Applicants have abundant equipment to take care of the additional service and propose to extend the rates applicable to their existing territory to the enlarged area.

Applicants presented Gustav Reinke, a dairyman near Norwalk, as their sole witness in support of the application. Mr. Reinke's dairy produces 35 to 38 cans of milk daily, which is transported to Los Angeles by applicants' service. Witness testified that he hauls the milk a distance of $2\frac{1}{2}$ miles and delivers it to applicants on their present route. He testified that applicants had transported milk from a dairy he formerly operated at Downey and that their service was so satisfactory he wished to continue it in his new location, although off their present authorized route. He further testified that if the certificate sought herein should not be granted, he would continue to deliver milk to applicants in preference to patronizing other services available, which would pick up shipments at his ranch. The services available to Mr. Reinke at the present time are those of protestants Robson, Spencer and Venable, as well as the services conducted by Bozoff & Tarvoff

and Oganesoff & Oskanoff. The rates offered by all these carriers are identical, namely, 13 cents per can.

In view of the showing made by applicants the conclusion is inevitable that an extension of their service merely to accommodate one shipper is not justified. This shipper now has available five services at the same rate as offered by applicants, and protestant Spencer testified that he had notified him of his willingness to furnish a truck at the same hour milk is delivered to applicants on their route, in order to relieve Mr. Reinke of the necessity of hauling his milk a distance of $2\frac{1}{2}$ miles. Applicants stipulated that shippers in the same neighborhood as Mr. Reinke would testify to the satisfactory character of the services maintained by both Spencer and Venable.

The showing herein lacks the essential elements of public convenience and necessity, and a certificate, if granted, would only put a new competitor in a field already overloaded with competition; and this solely for the convenience of a particular shipper who, according to his own testimony, has not tried any of the other services available.

We therefore find as a fact, upon the record herein, that public convenience and necessity do not require the extension of applicants' present authorized service, as proposed herein. An order denying the application accordingly will be entered.

O R D E R

Isaac Shakarian, Tom Kardasian and Joe Perumean, partners, having petitioned the Railroad Commission for an order declaring that public convenience and necessity require

the extension of their present operative rights to permit them to furnish milk truck service over a route commencing at the corner of Somerset Avenue and Artesia Street on their present authorized route, thence eastwardly on Artesia Street to the San Gabriel River, thence north along the west bank of the San Gabriel River to Downey-Norwalk Road, thence east on Downey-Norwalk Road to Puente Mills Road, thence north one-half mile to dairy and back over the same route to Downey-Norwalk Road, with the privilege of serving all territory within a distance of one-half mile of the main 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 DECLARES that public convenience and necessity do not require the extension of applicants' existing authorized service as proposed herein, and

IT IS HEREBY ORDERED that the application herein be and the same is hereby denied.

The effective date of this order shall be twenty (20) days from and after the date hereof.

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

K. H. Brandige
C. S. ...
...
Leon ...
Thos. D. ...
Commissioners.