

Decision No. 17818

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 JOE W. HILLS for certificate of )  
 public convenience and necessity to )  
 operate auto freight service between ) Application  
 Chico, Butte County, California, and ) No. 12073  
 Orland, Glenn County, California. )

W. E. Rothe, for Applicant.

WHITSELL, Commissioner -

**ORIGINAL**OPINION

John W. Hills, in this proceeding, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile service for the transportation of freight between Chico and Orland and intermediate points via Hamilton City.

Applicant proposes to charge rates in accordance with an Exhibit marked "A" which is attached to the application herein and made a part thereof, to operate a daily service, except Sundays and holidays, and to use such equipment as the service may demand.

A public hearing on this application was conducted by Commissioner Whitsell at Chico on June 27, 1926, the matter was submitted and is now ready for decision.

No one appeared to protest the granting of the application, though other carriers serving the points proposed to be served by applicant were duly notified of the time and place for hearing the application.

Testifying in his own behalf, applicant Hills said that he had been performing the service described in his application for many years, nearly ten years, in fact. In justifying his operation without authority from the Railroad Commission, he said that at one time he had <sup>been</sup> advised by a representative

of the Commission that he did not require a certificate of public convenience and necessity from the Railroad Commission authorizing his service; that on another occasion he had been advised by an attorney to whom he had appealed that he had secured for him authority to operate. Recently, when advised by the Commission that a certificate was necessary, he had promptly filed the instant application.

Hills testified that freight shipped by all rail route (Southern Pacific) from Chico to Orland requires three days; four days to Hamilton City. It is carried a distance ~~of~~ approximately 80 miles. By road the distance from Chico to Hamilton City is 12 miles; to Orland 15 miles, or 27 miles in all. Witness testified that in the summer season he hauled approximately 10 tons of freight a week, a large part of it originating at the depot of the Southern Pacific. In the winter, there is a considerable drop in the tonnage hauled due to elimination of ice cream and soda water from the shipments. Hills said he desired to haul all kinds of freight, irrespective of weight, declaring that if his present equipment (a one ton truck), did not prove adequate, he would provide the necessary vehicles.

Applicant Hills was strongly supported by a number of shippers who testified as to the necessity for the continuance of the service performed for them by Hills. Several of these witnesses had been his patrons over a period ranging from two to seven years and all testified as to his reliability. Among those who gave testimony supporting Hills were

Homer Mills, store manager for Mills Orchard Company,  
James Mills, head of Mills Orchard Company,  
Daniel E. Zumwalt, Manager, Chico Seed and Feed Company,  
A.M. Gelston, Manager Sacramento Valley Sugar Company,  
O.S. Kibby, confectioner,  
Geo. D. Clifford, buyer for Applegate Company.

The record in this proceeding discloses also that fully a score of shippers have written the Commission letters commendatory of Mr. Hills' and the service given by him as a truckman, and urging that he be authorized, under a certificate of public convenience and necessity, to continue it.

The points proposed to be served by Hills are served by the Chico-Willows Stage Line which operates an automobile passenger and freight service between Chico and Willows, via Hamilton City, Artois and Orland. No package weighing more than one hundred pounds, however, will be transported by this line and there is a limit of 200 pounds on shipments consigned to any one person. Floyd B. Smith, operator of the Chico-Willows Stage Line, though notified of the time and place for hearing the Hills application, did not make an appearance.

After full consideration of the record in this proceeding, I am of the opinion, and find as a fact, that public convenience and necessity require the operation by John W. Hills of an automobile service as a common carrier for the transportation of freight between Chico and Orland and intermediate points via Hamilton City.

I recommend the following form of order:

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted, the Commission being fully advised and basing its order on the findings of fact appearing in the opinion preceding this order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by John W. Hills of an automobile service as a common carrier for the transportation of freight between Chico and Orland and intermediate points, via Hamilton City, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be and the same hereby is granted to John W. Hills, subject to the following conditions:

1- Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.

2- 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, such tariffs of rates and time schedules to be identical with those attached to the application 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.

3- 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.

4- 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 30<sup>th</sup> day of December, 1926.

H. E. Bourdige

C. J. Murray

Leon Whitell

Thos. J. R. [unclear]

COMMISSIONERS.