

Decision No. 17889.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of HARRY MOUMJIAN for certificate of public convenience and necessity to operate milk freight truck line service between Los Angeles and Wilmington.

APPLICATION NO. 13320.

ORIGINAL

In the Matter of the Application of BOB ARUTOFF for permission to extend territory served and to alter route under certificate of public convenience and necessity for operation of freight truck service between Los Angeles and dairy ranches in vicinity of Athens, Rosecrans, Gardena and Wilmington.

APPLICATION NO. 13374.

S. Elmassian, for Harry Moumjian, Applicant in Application No. 13320 and Protestant in Application No. 13374.

Guy Lewis, for Bob Arutoff, Applicant in Application No. 13374 and Protestant in Application No. 13320.

J. T. Owens, Protestant, in Propria Persona.

BY THE COMMISSION:

O P I N I O N

Harry Moumjian has made application to the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of freight truck service for the transportation of milk between the city of Los Angeles and certain points in and about the Wilmington district of Los Angeles. Bob Arutoff has made application to

this Commission for authority to extend the service now conducted by him, under certificate, to cover the same territory and the same producers that applicant Moumjian seeks authority to serve.

A public hearing herein was conducted by Examiner Williams at Los Angeles, at which time, by stipulation, the applications were consolidated for hearing and decision.

Applicant Moumjian produced, as witnesses in his behalf, H. H. Kitch, A. E. Luce, P. Giacomi and E. Marconi, all dairymen in the region north and west of the Wilmington district, shipping their products to creameries in Los Angeles. Applicant testified that these witnesses desired his service; but upon being called to the stand, each witness testified that he had been receiving service from applicant Arutoff for a considerable period of time, was well satisfied with his service and rates, and desired no change.

Applicant Arutoff testified that he undertook the transportation of the products of these dairies, two of which are inside, and two outside, the boundaries included in his certificated service, at the request of Los Angeles creameries, because there was no other means of transporting the milk to Los Angeles; and that he had not heretofore applied for a certificate because the service was comparatively new and he had not been certain the movement would continue for any length of time.

While applicant Moumjian contended that applicant Arutoff had illegally established this service, the evidence shows that the service, even if technically without authority, has been conducted efficiently and at reasonable rates, and

that its continuance is desired by those now using it. In view of this showing, we believe that applicant Aratoff should receive the certificate applied for, with certain restrictions, enlarging his field of operations to include the territory outlined in the order following, and that the application of applicant Mounjian should be denied.

O R D E R

Harry Mounjian and Bob Aratoff each having applied to the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of a freight truck service for the transportation of milk between the city of Los Angeles and certain points in and about the Wilmington district of Los Angeles, 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 establishment and operation, by applicant Bob Aratoff, of a freight truck service for the transportation of milk and other dairy products between the city of Los Angeles and certain points in and about the Wilmington district of Los Angeles, as an extension and enlargement of his present authorized service, over and along the following route:

Beginning at Wilmington Boulevard (Main Street) and L Street (Wilmington), north on Wilmington Boulevard to 183rd Street, west to Figueroa Street, north to 182nd Street, east to Main Street, north to 165th Street, west to Vermont Avenue,

north to Redondo-Compton Boulevard, east to South Park Avenue, north to Los Angeles; said route to include all dairy ranches within the boundaries of said route and within one-half mile outside of said boundaries, provided, however, that no additional service may be given by applicant north of 182nd Street except as heretofore authorized by Decision No. 15459 on Application No. 11266; and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such service be and the same is hereby granted to applicant Bob Arutoff, subject to the following conditions:

- I. Applicant shall file with this Commission, within ten (10) days from date hereof, his written acceptance of the certificate herein granted as an extension and enlargement of his present operative rights, and not as a new or separate right.
- II. Applicant shall file, in duplicate, within a period of not to exceed twenty (20) days from date hereof, tariff of rates and time schedules, such tariff 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 the service hereby authorized within a period of not to exceed thirty (30) days from date hereof.
- III. The rights and privileges herein granted 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.
- IV. No vehicle may be operated by applicant under the authority hereby granted unless such vehicle is owned by applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that the application of Harry Mounjian be and the same is hereby denied.

For all purposes except as hereinbefore stated,
the effective date of this order shall be twenty (20) days
from and after the date hereof.

Dated at San Francisco, California, this 12th
day of January 1927.

Emmerts
H. B. ...
O. ...
Leon ...

Commissioners.