

Decision No. 18098

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of CHARLES KUPPINGER for a certificate of public convenience and necessity authorizing the operation of automobile truck service as a common carrier of freight between Lakeport and Upper Lake and Lakeport and Ukiah via Scotts Valley, in conjunction with and as a part of his existing operative rights.

Application No. 12914

**ORIGINAL**

Chas. A. Beck, for Applicant.

BY THE COMMISSION:

O P I N I O N

Charles Kuppinger, doing business under the fictitious name of Charles Kuppinger Company, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile truck line as a common carrier of freight between Lakeport and Ukiah via Scotts Valley and between Lakeport and Upper Lake as a part of and in conjunction with his present authorized truck operative rights between Ukiah and Lucerne.

A public hearing on said application was conducted before Examiner Satterwhite at Lakeport, the matter was submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with Exhibit A, attached to said application, and to operate at

least two round trips per week and to add such additional schedules as traffic demands may require.

Applicant proposes to use the same equipment which he now has in operation over his present authorized service between Ukiah and Lucerne and intermediate points.

No one appeared in opposition to the granting of said application.

The testimony shows that the farmers in Scotts Valley favor the establishment of the proposed truck service. It appears that these farmers purchase merchandise and various farm supplies at Ukiah and Lakeport and also ship out fruits and other farm products to these points and other places. The record shows the freight tonnage moving over this particular route is limited and two round trips per week, as proposed by applicant, will be adequate for present traffic needs.

It is the plan of applicant to operate a truck from Blue Lake Junction through Scotts Valley to Lakeport in conjunction with his present service between Ukiah and Lucerne and it was shown that this operation will take care of the freight shipments in this section.

The record further shows with reference to applicant's proposed service between Lakeport and Upper Lake that J. R. Martin has abandoned his authorized service between Upper Lake and Lakeport and other points. A certificate of public convenience and necessity was granted to J. R. Martin under Decision No. 6175, dated March 4, 1919, on Application No. 3614 to operate between the aforesaid points. It now appears that in the matter of Charles Kuppinger, complainant, against J.R. Martin, defendant, Case No. 2245, filed with this Commission on June

4, 1926, complainant prayed for an order revoking and annulling the operative rights heretofore granted to said defendant J.R. Martin in said Decision No. 6175. After a formal hearing in the aforesaid case, No. 2245, this Commission rendered its Decision No. \_\_\_\_\_, revoking and annulling said operative rights of said J. R. Martin as granted to him under Decision No. 6175.

The record further shows that there is a considerable tonnage of freight moving between Lakeport and Upper Lake and applicant testified to the effect that the tonnage is of sufficient volume to make his proposed operations profitable between these two points if operated in conjunction with and as a part of his present service between Ukiah and Lucerne.

After a careful consideration of all the evidence in the above application, we are of the opinion and hereby find as a fact, that public convenience and necessity require the service proposed by said applicant and that the application should be granted.

#### O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted, the Commission being now fully advised, and basing its order on the finding of fact which appears 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 Charles Kuppinger of an automobile truck line as a common carrier of freight between Lakeport and Ukiah via

Scotts Valley and between Lakeport and Upper Lake as a part of and in conjunction with his present authorized truck operative rights between Ukiah and Lucerne.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to said Charles Kuppinger for the operation of the service hereinabove described, subject to the conditions hereinafter set forth, to-wit:

- 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 24th day of March, 1927.

Edward Scott  
John B. ...  
...  
Leon ...  
...  
Commissioners.