

Decision No. 18189**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 J. BARRERE COMPANY for an extension
 of the operative rights now held by
 applicant for the transportation of
 milk and cream between Manteca and
 Oakland and intermediate points, and
 San Francisco, to extend operative
 rights to and from Oakdale and in-
 termediate points.

Application No. 13419.

Gwyn H. Baker, for Applicant.

BY THE COMMISSION:

O P I N I O N

In this proceeding the applicant, J. Barrere Company, a corporation, seeks a certificate of public convenience and necessity authorizing the operation by it of an automobile truck line, as a common carrier of milk and cream, between Manteca and Oakdale and intermediate points, excluding points now served by Minnie Taylor under Decision No. 16868 and R. W. Rasmussen Company under Decision No. 16318. This service is proposed as an extension of a similar service now being given by applicant between San Francisco and Manteca and intermediate points under authority of Decision No. 8966 on Application No. 6487 and Decision No. 10623 on Application 7756, and between San Francisco and Los Banos and intermediate points under authority of Decision No. 16330 on Application No. 11147.

A public hearing on this application was held before Examiner Cannon at San Francisco on March 16, 1927, at which time the matter was submitted and is now ready for decision.

Applicant proposes to charge rates and to operate on a time schedule set forth in paragraphs III and IV of said application and to use the equipment employed in its present service.

No protestants appeared against the granting of the certificate.

Applicant called three witnesses in support of its application, all of whom testified as to the necessity for the proposed service. The testimony shows that truck service is more satisfactory than any other for the transportation of milk and cream, and one witness testified that 95 per cent. of this type of business coming into San Francisco is via automobile trucks. Shipments of highly perishable goods can be made at unusual hours with the assurance of prompt delivery and only two handlings in the course of shipment, as against six by rail. The record shows that there is no truck line serving this territory at the present time.

The immediate necessity for the establishment of the service is occasioned by the fact that the dairies and milk distributing agencies in the Bay region are now reaching out into this territory for these products which were formerly manufactured into butter at the Oakdale plant. It appears that the proposed extension will not increase the time consumed under the present schedule.

After a careful consideration of the evidence, we are of the opinion and hereby find as a fact that public convenience and necessity require the proposed service as a part of applicant's present operative rights and that the application should be granted.

O R D E R

A public hearing having been held in the above entitled application, the matter having been submitted, and being now ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the operation by J. Barrere Company, a corporation, of an automobile truck service as a common carrier of milk and cream between Manteca and Oakdale and intermediate points, excluding points now served by Minnie Taylor under authority of Decision No. 16868, Application No. 12782, and points served by R. W. Rasmussen Company under authority of Decision No. 16318, Application No. 11576, the proposed service being an extension of the present operative rights of said applicant between San Francisco and Manteca and intermediate points, and between San Francisco and Los Banos and intermediate points.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for the foregoing service be and the same is hereby granted to J. Barrere Company, 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 it 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 7th day
of April, 1927.

Ernest Scott
Albany
Thomas B. Rutter
Commissioners.