

Decision No. 18276

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
ADAM A. MOORE for certificate of public)
convenience and necessity to operate) Application No. 12925.
Motor Truck service between Ukiah and)
Lucerne and way stations via Upper Lake.)

Chas. Kasch, for applicant.

Chas. A. Beck, for protestants Chas. Kuppinger Company;
Pickwick Stages System; and W. O. Ruddick.

BY THE COMMISSION:

O P I N I O N

Adam A. Moore 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 of all kinds excepting cream between Ukiah and Lucerne, serving Le Trianon, Blue Lakes, Camp Innis, Laurel Dell, Saratoga Springs, Bachelor Valley, Upper Lake, Middle Creek Valley, Clover Valley, Laurel Beach, Clear Lake Gardens, Clear Lake Lodge and intermediate points and for a distance of one mile on each side of the State Highway or County roads traversed running to, by or through all of the above-named places.

A public hearing on this application was conducted before Examiner Satterwhite at Ukiah, 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 on a time schedule in accordance with Exhibit "B" attached thereto and to use as equipment one $1\frac{1}{2}$ ton Graham truck.

Charles Kuppinger, W. O. Ruddick and Pickwick Stages System protested the granting of said application.

The record shows that the freight service for which applicant now seeks authority to operate between Upper Lake and Ukiah is practically the same service which for several years last past has been conducted by J. R. Martin under and by virtue of a certificate granted to Martin in Decision No. 6175 dated March 4, 1919, on Application No. 3614, which certificate was recently revoked under this Commission's Decision No. 18120 in Case No. 2245, dated March 29, 1927.

It appears that J. R. Martin applied to this Commission in Application No. 11706 for permission to sell and this applicant to purchase the operative rights granted to J. R. Martin by the above-named Decision No. 6175. On the 28th day of May, 1926, this Commission in Decision No. 16783 on Application No. 11706 denied the proposed transfer on the ground that J. R. Martin had abandoned a portion of his service over a substantial part of his route between Lakeport and Upper Lake. The evidence shows that, pending the decision on the proposed transfer, this applicant operated the service as an employee of Martin and continued to do so until notified by this Commission that the transfer had been denied. Applicant, upon receipt of said Decision No. 16783, immediately filed this instant application to continue service under the authority and regulation of the Commission. In the meantime, however, applicant, under legal advice from his attorney, has been and is now operating under private contracts with his various patrons and shippers, the service for which he now seeks a certificate.

The evidence shows that applicant transports to Ukiah products of all kinds consisting of fruit, wool, poultry (both dressed and alive), live stock and farm produce excepting cream, for about fifty farmers along and adjacent to his proposed route, and also transports from Ukiah to these farmers farm supplies and necessities of all kinds. Many of these farmers appeared at

the hearing and expressed their desire to have the service continued under the authority of this Commission and testified that applicant had at all times since he took over the operations of J. R. Martin maintained a very satisfactory and dependable service. Applicant also introduced in evidence a petition signed by about fifty farmers, all of whom are his patrons along the proposed route, requesting that the proposed truck service be authorized on the ground that each of the petitioners desire the service and that it is a public necessity.

The record further shows that there are many summer resorts between Upper Lake and Lucerne, particularly along or near the shore of Clear Lake. Several of the owners of these resorts appeared as witnesses and testified that many of these resorts on the East and North sides of the Lake were rapidly developing and that the proposed truck service was desired. Business men and merchants at Lucerne and other points also testified in favor of applicant's service.

Charles Kuppinger, protestant, has for many years operated a satisfactory truck service between Ukiah and Upper Lake and Lucerne and the record shows that this protestant has shared in common with applicant some of the patronage of these farmers and merchants who formerly also patronized the service of J. R. Martin and now desire and endorse its continuance by applicant under the regulation of this Commission. The evidence shows that the main volume of freight hauled by Charles Kuppinger has consisted chiefly of the heavy out-bound shipments of fruits and farm produce from the farms, canneries and packing houses along and adjacent to the route traversed. It appears that the heavy shipments occur during the summer and fall months from June to October of each year. The inbound shipments of this protestant from Ukiah have, to a considerable extent, consisted in large quantities of

fruit cans, canning supplies, lumber and building materials of all kinds, also machinery, pumps and hardware, and similar freight. This protestant operates ten or twelve trucks of a large and sufficient tonnage capacity to take care of all of these heavy shipments. It appears that the operations of applicant have been mainly confined to small shipments transported in a truck with the limited capacity of $1\frac{1}{2}$ tons. It was shown that in the operation of his service applicant passes over various small bridges off the main highway that will not safely support the heavier trucks used by Kuppinger and that Kuppinger has not served farmers whose farms are reached over these small bridges.

W. O. Raddick, protestant, operates an authorized service over a certain farming district in the vicinity of Upper Lake to Ukiah but does not operate any service between the town of Upper Lake and Ukiah. He testified that his equipment consists of a $1\frac{1}{2}$ ton Ford truck, that he hauls mainly cream and other farm products to Ukiah, that he gives a purchasing service to his patrons, and on his back haul he handles small shipments consisting of farm supplies and necessities such as groceries, feed and small repair parts.

After careful consideration of all the evidence in this proceeding we are of the opinion and hereby find as a fact that public convenience and necessity require the proposed service of applicant and 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 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 Adam A. Moore of an automobile truck line as a common

