

ORIGINAL

Decision No. 18583.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of EDWARD BAHLER for certificate  
of public convenience and neces-  
sity to operate a truck service  
between the Yucaipa and San Ber-  
nardino Valleys, and Los Angeles. )

APPLICATION NO. 11602.

Emery B. Tyler, for Applicant.

BY THE COMMISSION:

O P I N I O N

Edward Bahler, successor in interest to the partner-  
ship of Edward Bahler and Gottlieb Niederhauser, has applied  
to the Railroad Commission for a certificate of public conve-  
nience and necessity to operate a truck service between the  
Yucaipa and San Bernardino Valleys, and Los Angeles.

A hearing on the above numbered application was orig-  
inally held at San Bernardino on September 25, 1925, at which  
time the matter was submitted. Subsequently one of the appli-  
cants asked for the setting aside of submission and for further  
hearing, because the destination of the milk produced in the  
region sought to be served had been changed from Los Angeles to  
San Bernardino. A further hearing was ordered by the Commis-  
sion and was held at San Bernardino on June 10, 1927, before  
Examiner Williams.

At the time of hearing the application was amended to  
substitute Edward Bahler for the firm of Bahler & Niederhauser,

Mr. Niederhauser having disposed of his interest to Mr. Bahler.

The application was also amended to provide for the delivery of milk and dairy products from the region described in the application, to San Bernardino, and from San Bernardino to Los Angeles, without any intermediate service, and for a return movement in either case of empty containers only.

Applicant proposes to establish and conduct a public service for the transportation of milk, cream and other dairy products originating in the region roughly bounded by Highland Avenue on the north, by the town of Highland on the east, by Mill Street (one mile south of Colton) on the south, and by Colton Avenue (four miles west of Colton) on the west, to San Bernardino, and also between San Bernardino and Yucaipa via the State highway to the junction with Yucaipa Road. For the transportation of milk from San Bernardino to Los Angeles, applicant proposes to use the Valley Boulevard via Bloomington and Ontario.

Applicant has been conducting a private service under contract with the California Milk Producers' Association in this territory, serving some 26 producers whose shipments aggregate about 200 10-gallon cans daily. Applicant conducts his service with two trucks and two trailers, costing \$17,000, on which \$5500 is owing. One of the trucks has been used under contract in transporting case milk in large quantities from the ranch of C. H. Biggin at Yucaipa, the quantity moving being usually three tons or more.

Applicant desires to make his business that of a public carrier in order that he may serve shippers other than those now served by him. There is no service except that of applicant for the transportation of milk and dairy products from the region designated.

C. H. Biggin, conducting a large dairy at Yucaipa, testified that his entire product is shipped to a creamery at Los Angeles, that applicant's service is necessary for him, as no other is available, and that applicant's rates are satisfactory.

Gaylord E. Morgan, manager of the Gate City Creamery, testified that applicant transports 50 cans of milk daily to this creamery and that the creamery requires a continuation of his service. Mr. Morgan knew of no one else transporting milk, except the producers themselves, and testified that he regarded a public service as necessary to himself and other creameries.

No one appeared to protest the granting of the application.

We believe the showing made by applicant justifies the granting of a certificate as applied for in his amended application, and an order will be entered accordingly.

#### O R D E R

Edward Bahler having made application, as amended, to the Railroad Commission for a certificate of public convenience and necessity to operate a truck service between the Yucaipa and San Bernardino Valleys, and 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 operation by applicant Edward Bahler of a truck service for the transportation of milk, cream and other dairy products

from the region bounded by Highland Avenue on the north, by the town of Highland on the east, by Mill Street (one mile south of Colton) on the south, and by Colton Avenue (four miles west of Colton) on the west, to San Bernardino, also between Yucaipa and San Bernardino and between San Bernardino and Los Angeles, with a return movement of empty containers, over and along the following routes:

Between Yucaipa and San Bernardino via Yucaipa Road and State highway; between all other points and San Bernardino over main county roads; between San Bernardino and Los Angeles via Valley Boulevard through Bloomington and Ontario;

provided, however, that said service shall be limited to the transportation of the above mentioned commodities only, without any intermediates, between San Bernardino and Los Angeles; and

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

- I. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof; shall file, in duplicate, time schedules and tariff of rates within a period of not to exceed twenty (20) days from date hereof, such time schedules and tariff of rates to be identical with those attached to the application herein, or time schedules and rates satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed sixty (60) days from date hereof.
- II. The rights and privileges herein authorized 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.

III. No vehicle may be operated by applicant under the authority herein 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.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 20<sup>th</sup>  
day of July 1927.

[Signature]

[Signature]

[Signature]  
COMMISSIONERS.