

Decision No. 18586

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application )  
of FRANK AKAMATSU for a certifi- )  
cate of public convenience and )  
necessity to operate hauling and )  
truck service between El Modena, )  
Orange County, California, and )  
Los Angeles, County of Los Angeles, )  
State of California. )

APPLICATION NO. 13727.

Paul C. Hill, for Frank Akamatsu, Ap-  
plicant.

Phil Jacobson, for Triangle - Orange  
County Express and Richards Trucking  
& Warehouse Company, Protestants.

L. C. Valla and W. W. Pope, for Southern  
Pacific Company, Protestant.

BY THE COMMISSION:

O P I N I O N

In this proceeding Frank Akamatsu has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automotive service for the transportation of fresh fruits and vegetables between El Modena and Los Angeles.

Public hearings herein were conducted by Examiner Williams at Santa Ana and Los Angeles.

Applicant seeks a certificate for the transportation of fresh fruits and vegetables only from El Modena and nearby ranches to Los Angeles, with a return movement of empty con-

tainers. He proposes to pick up at the roadside and at ranches, and to furnish direct transportation both for packed and loose produce four days each week, and as much more frequently as may be required. Applicant possesses two large trucks and has had previous experience in conducting such transportation. It is proposed to leave El Modena about 6:30 in the afternoon, reaching the public market at Los Angeles at midnight or earlier, thus insuring early selling of the produce transported. Applicant proposes to charge 10 cents per crate or lug box, and 1/4 of one cent per pound for loose produce, with a charge of 2 cents per cubic foot for transporting empty boxes or crates. He also proposes a rate of 6 cents per box "provided produce is delivered to any point within the county from which same is shipped."

Applicant presented no producers or shippers as witnesses in his behalf, but filed a verified statement signed by J. A. Grady and F. L. Wilson of Villa Park, George L. Kinney, Harry Park and A. D. Paxton near Orange, and F. Barnett of El Modena, to the effect that they required the service proposed by applicant and would use it; and further, that the service now maintained by other carriers does not visit the ranches and make pick up, as applicant proposes to do.

Protestants introduced no testimony except an unverified statement signed by S. B. Cowan of the Triangle Express, filed by permission subsequent to the hearing, and which was intended to be responsive to permission to file a showing of the tonnage transported by protestant carriers from the El Modena region. This statement follows:

"The Triangle - Orange County Express Company, operating under certificate from the State Railroad Commission into Santa Ana, Tustin and other Orange County points, also El Modena and intermediate territory, now transports from the above district to Los Angeles daily an average of 1800 pounds of fresh produce from the farms and ranches in the above described territory."

It was shown that applicant had been conducting this service from El Modena and other points for some time, and this was admitted by him, with the explanation that it had been his belief that such service did not require a certificate from the Railroad Commission because it had been previously performed by him when the so-called Crittenden Amendment to the Auto Stage and Truck Transportation Act was in effect. Applicant testified that he desired to bring his operation under the law.

From the testimony it appears that a number of producers in and about El Modena, including Red Hill, Lemon Heights and Hewes Park, desire applicant's direct transportation service to the public wholesale market at Los Angeles, and inasmuch as protestants made no showing that they are giving or are prepared to give the service desired, and applicant is willing to comply with the law in all respects in conducting this service, we believe the certificate applied for should be granted. An order will be entered accordingly.

#### O R D E R

Frank Alcamatsu having petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of a hauling and truck serv-

ice between El Modena, Orange County, and Los Angeles, public hearings 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 Frank Akamatsu of a hauling and truck service for the transportation of packed and loose fresh fruits and vegetables only, and empty containers for same, between Red Hill, Lemon Heights, along Sky Line Drive, Hewes Park and El Modena, and Los Angeles, over and along the following route:

Beginning at Red Hill and Lemon Heights, thence via Sky Line Drive to Hewes Park to El Modena, which is the Orange County terminus, thence across Santiago Creek to Olive, thence to Anaheim, thence to Fullerton, thence to Buena Park, thence to Norwalk, thence to Santa Fe Springs, thence via Telegraph Road to Ninth Street, Los Angeles, thence along Ninth Street to San Pedro Street, which is the Los Angeles terminus, returning over exactly the same route; 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 Frank Akamatsu, 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.
- 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 herein authorized within a period of not to exceed sixty (60) days from date hereof.

III. 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.

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.

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 22  
day of July 1927.

[Signature]

[Signature]

[Signature]  
COMMISSIONERS.