

Decision No. 12804

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of K. OGANESOFF and T. OSKANOFF-) Application No. 12801.
to extend service.)

M. G. Ferrehian, for Applicant,
Richard T. Eddy, for Protestant,
H. C. Venable.

BY THE COMMISSION:

O P I N I O N

K. Oganessoff and T. Oskanoff, co-partners, by virtue of authority granted by the Railroad Commission in Decision No. 16406, Application No. 11214, are operating a motor truck service for the transportation of milk, cream and other dairy products and dairy supplies between dairy ranches in the vicinity of Bellflower, Hynes, South Artesia and Clearwater, and Los Angeles, the boundaries of their territory being defined and the routes specifically designated in the order following the decision.

Applicants now petition the Railroad Commission for an order declaring that public convenience and necessity require the extension of their present operative rights to include milk-hauling service to one certain customer who has since moved out of the territory now served by the applicants. At the hearing applicants requested permission to amend their application so as to serve additional territory, including several shippers.

A public hearing on said application was conducted by Examiner Cannon at Los Angeles, the matter was submitted and is now ready for decision.

Applicants introduced in evidence a written agreement with one of their customers tending to prove that they had contracted to haul milk for said customer for a term of four years ending September 1, 1927, and claiming that said customer insisted on the fulfillment of such contract, notwithstanding that he had moved 1-1/2 miles distant from the territory authorized to be served by these applicants.

Three witnesses appeared at the hearing in support of the proposed extension, all of them conducting dairies situated outside the limits of the present authorized territory of applicants. These witnesses testified they preferred the service of Oganessoff & Oskanoff, for the reason that they called a little earlier in the day than other haulers. The testimony shows that at least two authorized carriers serve the territory sought to be served by these applicants, that their trucks pass the places of business of all the witnesses appearing on behalf of applicants, and that the service of such haulers is prompt and satisfactory, and that they deliver to the same creamery now patronized by applicants' clients.

Four witnesses were called on behalf of protestants to the application and by stipulation the testimony of three others was admitted. All such testimony was to the effect that the territory sought to be served by this application was now adequately served by other operators. The largest of these operators testified that he had had ten years experience as a milk hauler, that he operates seven trucks daily in business and that he is now hauling in excess of 1000 cans of milk per day. The testimony further shows that under

authority of this Commission he now serves the entire territory proposed to be served by the present applicant, that he is able, ready and willing to render prompt and adequate service to the three dairy-men testifying for the applicants and that he would haul their milk at a rate not in excess of the rate charged by Oganesoff and Oskanoff.

O R D E R

A public hearing having been held in the above entitled application, the matter having been submitted, the Commission being now fully advised, and basing its order on the findings of fact in the preceding Opinion,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity do not require the proposed extension of service by applicants, and good cause appearing therefor,

IT IS HEREBY ORDERED that this application be and the same is hereby denied. .

Dated at San Francisco, California, this 13th day of July, 1927.

Emmerson D.
Chase
Leon Whitell
Commissioners.