

Decision No. 20127

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of GEORGE HARM and HAROLD FRASHER,
co-partners, doing business under
the name and style of the Terminal
Warehouse Company, for certificate
authorizing the operation of
automotive truck service from
Gustine to points in the San Joaquin
Valley as hereinafter set forth.

ORIGINAL

Application
No. 11855.

Chas. A. Beck, for Applicant.
H.W. Hobbs, for Southern Pacific Company,
Protestant.

WAINSWELL, Commissioner.

O P I N I O N

George Harm and Harold Frasher, co-partners doing business under the name and style of the Terminal Warehouse Company of Fresno, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile truck service as a contract hauler of freight from the plant of the Carnation Milk Products Company of California at Gustine, to points in the San Joaquin Valley over the following routes:-

- (a) Gustine to Sanger, Parlier, Kingsburg, Fowler, Selma and Del Rey.
- (b) Gustine to Exeter, Lindsay, Farmersville, Porterville, Woodlake, Tipton, and Strathmore.
- (c) Gustine to Corcoran, Dinuba, Orosi, Goshen, and Reedley.
- (d) Gustine to Coalinga, Oilfields, and Helm.
- (e) Gustine to Fresno, Madera, Berenda, and Chowchilla.
- (f) Gustine to Laton, Hanford, Armona, Grangeville, Hardwick, Hub, Candin, Caruthers, Riverside, and Easton.
- (g) Gustine to Kerman, Biola, San Joaquin, Tranquility, Firebaugh, and Mendota.

Public hearings on this application were held at Fresno and San Francisco, the matter now duly submitted and is now ready for decision.

The rates proposed are those set forth in the contract between applicants and Carnation Milk Products Co. of Calif., said contract having been executed under date October 15, 1925. No regular service is proposed, trips being made on request of the Carnation Milk Products Co. The equipment proposed to be used is that now operated by applicants in connection with their warehouse business, together with such additional as may be necessary which will be diverted from applicants' other operative lines.

Applicants rely as justification for the granting of the desired certificate on the existing contract with the Carnation Milk Products Co., and allege the transportation of the milk products cannot be satisfactorily handled by rail carriers.

The record herein clearly establishes the fact that applicants propose to handle the distribution of canned milk in case lots from the factory of the Carnation Milk Products Co. at Gustine to the various communities in the San Joaquin Valley as hereinabove specifically set forth; that this hauling is to be done in accordance with a contract executed under date October 15, 1925, a copy of said contract being a portion of the application herein; and that no service for any other party is contemplated or proposed.

- Under the state of facts as shown by the record, the operation herein proposed is not that of a common carrier and is, therefore, not a matter over which the Commission has jurisdiction.

I recommend that the application be dismissed in accordance with the following form of order.

ORDER

Public hearings having been held on the above entitled application, the matter having been duly submitted, the Commission being now fully advised and of the opinion that this is a matter over which the Commission has no jurisdiction,

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

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 17th day of August, 1928.

Leon O. White

W. J. ...

Paul ...

W. J. ...
COMMISSIONERS.