

Decision No. 20879

OPINION

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
BARNETT & SANDERSON for certificate of
public convenience and necessity to
operate freight trucks between the
towns of Loomis and Newcastle and in
the town of Penryn.)
Application
No. 11599
(Supplemental)

W. J. Prewett, for applicants.
W. S. Johnson, for Southern Pacific Company,
Interested party.

BY THE COMMISSION -

OPINION

Clarence Sanderson and George Sanderson, copartners in business and operating under the fictitious name of Service Truck Company, have petitioned the Railroad Commission for an order cancelling the certificate of public convenience and necessity heretofore granted to said partnership by this Commission's Decision No. 16560 on Application No. 11599, as decided April 26, 1926.

A hearing on this supplemental application was conducted by Examiner Handford at Auburn, the matter was duly submitted and is now ready for decision.

Applicants allege, in justification of their petition for cancellation of their certificate of public convenience and necessity to operate a motor truck service, on demand, for the transportation of packed and unpacked fruit, shock, mill feed, hay, fuel, fertilizer, farm machinery, spray material, building material and burnt clay products between Loomis, Penryn and Newcastle, and burnt clay products from Lincoln to any or all of the above points, that the business heretofore conducted under the authority of the certificate of this Commission has not been that of a common carrier; that trips have not been made with any degree of regularity or upon fixed schedule; that the majority of business is transacted during the months of May to

September, inclusive, of each year, and that during the remaining months of the year practically no business is done; and that no regular service is conducted between fixed termini, the service being indefinite as to terminals or routes, and is rendered at irregular periods which are dependent entirely on the direction or call of their patrons.

From the record herein it appears that applicant co-partnership is engaged primarily in the business of general hauling, having its place of business at Penryn and serving the adjacent territory including the communities of Loomis and Newcastle. During the fruit season, or from June to September of each year, service is rendered in the transportation of fruit, shock and fruit boxes between the fields and packing houses, and between fruit shipping houses for the consolidation of carload shipments which are principally destined to eastern markets. This portion of applicants' business being over regular routes and between fixed termini is unquestionably the service of a common carrier, as an on-call operator, and is the character of service for which the original certificate was authorized. The volume of business, however, has been practically negligible, as according to the records of the copartnership a gross revenue of but \$277.98 was obtained during the calendar year of 1928 from this portion of their business.

The records of the copartnership are incomplete, but from the evidence it appears that the total revenue from all activities for the year 1928 totaled \$3822.34 with expenses, exclusive of any allowance for labor of the partners who do their own driving and ordinary maintenance of the trucks, of \$1133.74, or a net revenue, without deduction for labor costs of \$2688.60. The evidence of both partners discloses that from May to October, inclusive, of each year both partners are engaged in driving an average of six days per week, and during the remainder of the year one partner averages six days during each week. The current rate for truck drivers in the territory is \$6.00 per day. On this basis the amount properly chargeable for

drivers' wages would be in accordance with the following computation:

1928

January to April, inclusive,

1 driver - 103 days @ \$6.00 per day - \$ 618.00

May to September, inclusive.

2 drivers - 131 days @ \$12.00 per day - 1572.00

October to December, inclusive,

1 driver - 78 days @ \$6.00 per day - 468.00

\$2658.00

Deducting the expense for labor from the net revenue as shown above, the net return from all operations of the copartnership for the year 1928 was \$30.60 which is the amount available for depreciation and return on investment.

In view of the fact that the record herein shows a gross revenue of but \$277.98 to have been received from the operations of the copartnership for which a certificate is required, and no prospect of any increase of revenue from such certificated operations, we are of the opinion and hereby find as a fact that public convenience and necessity do not require the continued operation by applicants of the motor freight trucking operations heretofore authorized by this Commission's Decision No.16560 as decided April 26, 1926, and the certificate will be canceled by the following supplemental order.

FIRST SUPPLEMENTAL ORDER

A public hearing having been held on the supplemental application herein, the matter having been duly submitted and the Commission being now fully advised and basing its order on the finding of fact as appearing in the opinion preceding this order,

IT IS HEREBY ORDERED that the certificate of public convenience and necessity as heretofore granted to Clarence Sanderson and George Sanderson, copartners in business operating under the fictitious name of Service Truck Company, by this Commission's Decision No.16560, decided April 26,1926, be and the same is hereby canceled and annulled, said certificate covering the operation of a motor truck service, on demand, for the transportation of packed and unpacked fruit, shock, mill feeds, hay, fuel, fertilizer, farm machinery, spray material, building material and burnt clay products, between Loomis, Penryn and Newcastle, and intermediate points, and burnt clay products from Lincoln to any or all of the above points, and

IT IS HEREBY FURTHER ORDERED that applicants cancel within ten (10) days and in accordance with the rules and regulations of the Commission, all tariffs of rates and time schedules as heretofore filed with this Commission.

The effective date of this order is hereby fixed as twenty (20) days from the date hereof.

Dated at San Francisco, California, this 18th day of March, 1929.

Thos. S. Latta
C. S. Seaver
Ernest J. Coe
Leon A. Whipple
M. J. Coe
COMMISSIONERS.