

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of WILLIAM E. WEBB for certificate )  
of public convenience and necessity ) Application No. 7894  
to operate freight service between )  
Hynes and Los Angeles. )

W.E. Webb, Applicant, in propria persona  
E.N. Blair, for Bozoff and Tarvoff, Protestants  
T.A. Woods, for American Railway Express, Protestant  
R.E. Wedekind, for Pacific Electric Railway, Protestant.

BY THE COMMISSION:

O P I N I O N

ORIGINAL

W.E. Webb has applied to the Railroad Commission for a certificate of public convenience and necessity to operate freight service between Hynes and Los Angeles.

A public hearing was held by Examiner Williams at Los Angeles.

Applicant proposes to haul milk from the region of Hynes and Clearwater to Los Angeles. On the witness stand he said he wanted only the route now served by Bozoff and Tarvoff, for the reason that the service of these operators is unsatisfactory to their customers. He proposes a rate of 15 cents a can for 10-gallon cans, including return of empty cans.

As applicant seeks to enter an occupied field, it was of prime importance that he sustain the burden of proof that the service of Bozoff and Tarvoff is inadequate or inefficient. In support of his charge he produced John W. Gaines, who

testified that the Bozoff trucks would not enter his yard to pick up milk, as they did for others, but required him to bring it to the road side. He produces, he testified, nine cans daily. He also asserted that reckless handling and delay had made the bacteria test of his milk high and caused reduction of the price paid him by the creamery. B.T. H. Daykzcal gave similar testimony as to the refusal of the Bozoff service to enter his premises to receive milk. Beyond this applicant produced no further testimony, in support of his charge of inefficiency of the Bozoff service.

In defense, A.H. Newman, driver for Bozoff and Tarvoff, explained that the rules do not require him to leave the road side but that, to increase efficiency, Bozoff has a small truck pick up milk in a certain compact district and in order to make time does go into premises. His rule, he testified, is to pick up three or more cans in the premises wherever the small truck operates. He also testified he would enter with a large truck wherever the distance was not too great or where the roadway was traversible without great difficulty. As to the complaints of Gaines and Daykzcal he said Gaines was seldom ready with his milk, that the road in his premises did not permit easy access with a large truck. The other complainant was a small producer. Bozoff testified that his service assembles and delivers in Los Angeles, an average of 200 cans of milk between 6:45 and 8:30 each morning and that delay, if any, is due to the creamery's method of handling.

R.D. Weaver, Superintendent of the Los Angeles Creamery, testified that 150 to 180 truck loads of milk cans are received each morning and that it is impossible to unload

them instantly. He also testified that the Bozoff service was efficient, from the Creamery standpoint of early delivery in good condition.

In view of the showing made by applicant and protestants Bozoff and Tarvoff, it is plain that applicant has not sustained the burden of proof either of a need for his own service or the inadequacy or inefficiency of protestants' service. The application should be denied, for this reason.

### O R D E R

W.E. Webb having applied to the Railroad Commission for a certificate of public convenience and necessity to operate freight service from Hynes to Los Angeles, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

IT IS HEREBY DECLARED BY THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA that public convenience and necessity do not require the operation of freight service between Hynes and Los Angeles by W.E. Webb,

And it is further ordered that the application herein be and the same hereby is denied.

Dated at San Francisco, California, this  
20<sup>th</sup> day of July, 1922.

H. B. Bannard  
Deputy Commissioner  
J. J. Jones  
Commissioners.