

CONFIDENTIAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)	
ANTHONY F. ROSE for certificate of)	
public convenience and necessity to	:	Application No. 8042
operate fruit and produce service)	
between Milpitas and Hayward and)	
intermediate points.)	

A. A. Rogers for Applicant

MARTIN, Commissioner.

O P I N I O N

In this proceeding Anthony F. Rose applies for a certificate of public convenience and necessity authorizing the operation of an automobile freight truck service for the transportation of fruit and vegetables only between Milpitas, Warm Springs, Irvington, Niles, Centerville, Decoto and Hayward; also for the transportation of hay and straw from Milpitas ^{to} farmers and orchardists in the vicinity of San Jose.

A public hearing was held on August 10th, 1922, at which time the matter was submitted and it is now ready for decision.

There was no protest to the granting of the application as herein applied for. From the evidence it appears that applicant herein is engaged by a wholesale market located in Hayward to gather up and transport fruit and vegetables from various ranches in the vicinity of the points hereinabove mentioned to be delivered to the wholesale market at Hayward which holds

daily auctions to dispose of such goods. Operation is seasonal depending upon the period of the year in which particular crops move.

In addition to the testimony of applicant M. S. Cunha, an official of the Farmers' Auction Market at Hayward, testified as to the necessity of the service rendered by applicant in collecting and delivering fruit and produce in time for the auction sales conducted daily by his concern.

In view of the fact that there is no protest to the granting of the service as herein proposed, and furthermore that the evidence shows that no other common carrier is offering a similar service, I am of the opinion that the present application insofar as it covers the transportation of fruit and vegetables should be granted.

With respect to that portion of the application for a certificate authorizing the operation of an automobile truck for the transportation of hay and straw between Milpitas and various ranches located in and adjacent to Hayward.- It appears from the evidence of applicant herein that on infrequent occasions farmers or orchardists who do not raise sufficient hay to feed their own stock, purchase small lots from other farmers or warehouses located at Milpitas; that this operation as conducted by applicant is neither over a regular route nor between fixed termini, and accordingly does not come within the provisions of Chapter 213, Statutes of 1917, as amended, and no certificate will be required covering the same.

I submit the following form of Order.

O R D E R

A hearing having been held in the above entitled proceeding, evidence submitted and the Commission being fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require
the operation by Anthony F. Rose of an automobile truck line
as a common carrier of fruit and vegetables only between farms
and orchards located in the vicinity of Milpitas, Warm Springs,
Irvington, Niles, Centerville, and Decoto to Hayward, and a
certificate of public convenience and necessity be, and the same
hereby is granted subject to the following conditions:


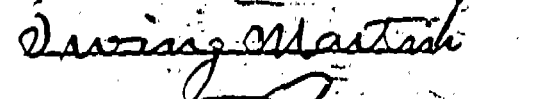
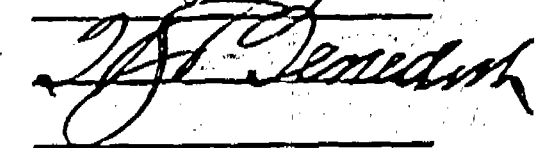
1. That applicant herein shall file within
a period of not to exceed ten (10) days from date hereof
his written acceptance of the certificate herein granted;
shall file within a period of not to exceed fifteen (15)
days from date hereof, tariff of rates and time schedules
identical with those filed as Exhibits "A" and "B" at-
tached to the application herein; and shall commence
operation of the service herein authorized within a period
of not to exceed twenty days from date hereof.

2. That the rights and privileges herein authorized
may not be discontinued, sold, leased, transferred nor as-
signed unless the written consent of the Railroad Commission
to such discontinuance, sale, lease, transfer or assignment
has first been secured.

3. That no vehicle may be operated by the applicant
herein unless such vehicle is owned by said applicant or is
leased by him under a contract or agreement on a basis
satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that the above entitled ap-
plication in all other respects be, and the same hereby is dismissed.

Dated at San Francisco, California, this 19th
day of August, 1922.




Commissioners