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Decision No. 11071

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)	
A. J. LAWRENCE for certificate of	:	
public convenience and necessity to	:	Application No. 8033
operate fruit and produce service)	
between East San Jose, Oakland and	:	
San Francisco, and intermediate points.)	
	:	
)	

Antone A. Rogers for Applicant

BY THE COMMISSION,

O P I N I O N

A. J. Lawrence filed an application with the Railroad Commission in which he petitions for a certificate of public convenience and necessity authorizing the operation of an automobile truck line as a common carrier of fruit and vegetables from farms and ranches located in the vicinity of East San Jose, Milpitas, Warm Springs, Mission San Jose, Niles, Irvington, Centerville, Alvarado, Decoto, Mt. Eden, Hayward, San Lorenzo, San Leandro, Elmhurst, Oakland and San Francisco and intermediate points thereto.

A public hearing was held in the above entitled proceeding before Examiner Satterwhite on September 19th, 1922, at San Francisco, California, at which time the matter was submitted and it is now ready for decision.

It appears from the testimony of applicant herein and other witnesses called by him who have been using his service, that he has been engaged in the transportation of fresh fruit and vegetables over the route herein proposed to be served since 1913; that from 1913 to 1916 he operated horse-drawn vehicles transporting fruit and vegetables to Oakland and San Francisco; that since

1916, he has operated automobile trucks in this service, having at the present time one 3½-ton Packard truck, one 3½-ton Service truck, one 1-ton G M C truck and one 3-ton trailer.

Applicant has not engaged in, nor does he propose to engage in the transportation of any commodities whatsoever other than fruit and vegetables from farms and ranches located adjacent to the points hereinabove named destined to commission houses in San Francisco and Oakland, handling on the back haul empty containers only.

Although all interested parties were notified of the hearing upon this application, no one appeared in protest, and we are of the opinion that applicant has substantiated his claim to the fact that he has been operating prior to the effective date of Chapter 213, Statutes of 1917, and continuously since that date and is entitled to a certificate authorizing the continuance of such service.

O R D E R

A public hearing having been held in the above entitled application, 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 A. J. Lawrence of an automobile truck line as a common carrier of fruit and vegetables, only, from ranches and farms located in the vicinity of East San Jose, Milpitas, Warm Springs, Mission San Jose, Niles, Irvington, Centerville, Alvarado, Decoto, Mt. Eden, Hayward, San Lorenzo, San Leandro, Elmhurst, and intermediate points to commission houses and wholesale markets located in Oakland and San Francisco, and a certificate of public-convenience and necessity be, and the same hereby is granted subject to the following conditions.

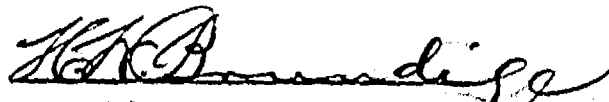
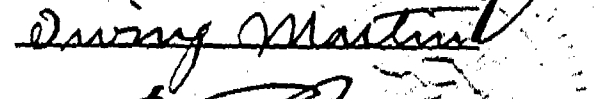
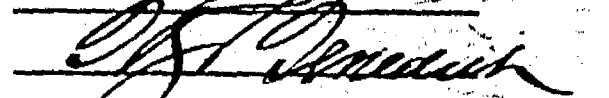
1. That applicant shall file within a period of not to exceed ten (10) days from date hereof his written acceptance of the certificate herein granted; shall file within a period of not to exceed twenty (20) days from date hereof, in duplicate, tariff of rates and time schedules, such tariff of rates and time schedules to be identical with those filed as Exhibits "A" and "B" attached to the application herein; and shall commence operation of the service herein authorized within a period of not to exceed thirty (30) days from date hereof.

2. That the rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned 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 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 will be distinctly understood that the certificate herein granted in no way authorizes applicant herein to transport any commodities whatsoever over the route covered by said certificate, with the exception of fresh fruits and vegetables to commission houses and wholesale markets located in Oakland and San Francisco and of returning empty containers from San Francisco and Oakland to point of origin; nor does it in any way authorize applicant herein to operate between San Francisco and any other points mentioned in the certificate herein, over the route commonly known as the "Peninsula Highway", via San Mateo and Redwood City.

Dated at San Francisco, California, this 14th day of September, 1922.




Commissioners