

Decision No. 11044

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of  
D. A. KELSAY for certificate of pub-  
lic convenience and necessity to op-  
erate freight service between Kelsey-  
ville, Lake County, and Cloverdale,  
Sonoma County.

Application No. 7955

In the matter of the application of  
C. E. DOTY, operating automobile  
freight service as a common carrier  
of freight between Kelseyville and  
Hopland and intermediate points, for  
a certificate of public convenience  
and necessity to extend his present  
operations to include Cloverdale.

Application No. 8011

In the matter of the application of  
C. E. DOTY, operating under the fic-  
titious name of Konocti Freight Line,  
between Hopland and Kelseyville, for  
certificate of public convenience and  
necessity to establish new route over  
public highway between Hopland and  
Kelseyville, serving Finley as an in-  
termediate point, and for permission  
to abandon present route.

Application No. 8208

H. B. Churchill for Applicant D. A.  
Kelsay.

Gwyn H. Baker for Applicant C. E. Doty.

R. W. Palmer and J. J. Geary for  
Northwestern Pacific Railroad Co.

BY THE COMMISSION.

OPINION

A public hearing was held by Examiner Westover at  
Cloverdale upon the above applications, the first two of which  
seek authority to operate freight service between Kelseyville,

Lake County, and Cloverdale, Sonoma County. By Application No. 8208 Mr. Doty seeks authority to change his present route between Kelseyville and Hopland, purchased from applicant Kelsey, from the so-called toll road, via Highland Springs, to the new highway lying to the north of it.

As to the need for service between Kelseyville and Cloverdale, it appears from the testimony that Kelseyville receives its merchandise supplies, amounting to about 36 tons per month, from San Francisco, and the principal question is whether public necessity and convenience require that this traffic move through Cloverdale rather than Hopland, which is about 15 miles north of Cloverdale. Hopland takes a  $5\frac{1}{2}$  cent higher freight rate on first, third and fourth class, and  $2\frac{1}{2}$  cents on second class shipments, originating at San Francisco, but with no increased rate on shipments originating at points beyond San Francisco. This saving in rail freight, however, would be more than offset by extra cost to the carrier of operating to Cloverdale rather than Hopland, because of road conditions and the greater distance from Kelseyville, variously estimated at from 4 to 8 miles. It affirmatively appears that the toll road over the grade has been abandoned by its owners, and that it is no longer passable for large trucks, although small trucks can get through.

The occasion for filing Application No. 8208, by which applicant Doty seeks authority to change his route, is the fact that a new highway has been constructed which greatly shortens the distance between Kelseyville and Hopland, making it unnecessary to use the toll road above referred to in going to Hopland, but which would be used as part of the route between Kelseyville and Cloverdale. It appears from the testimony that there is at

present no freight to be moved to or from points on the old route between Kelseyville and Hopland, which are not served by the new route.

It appears from the undisputed testimony that the present service of applicant Doty between Kelseyville and Hopland, in connection with freight service to and from points on the Northwestern Pacific Railroad, including San Francisco, is entirely satisfactory and that he operates six round trips per week as against three round trips per week proposed by applicant Kelsay between Kelseyville and Cloverdale. It also appears that Mr. Doty handles fresh fruit from the Kelseyville territory, destined to the canneries at Healdsburg and Santa Rosa and to the markets of San Francisco and points beyond, and dried fruit to Healdsburg and San Francisco; but that Mr. Kelsay does not propose to handle fruit as a common carrier.

#### ORDER

A public hearing having been held upon the above entitled application, the matter being submitted and now ready for decision,

THE RAILROAD COMMISSION HEREBY CERTIFIES that public convenience and necessity do not require freight service between Cloverdale and Kelseyville direct at present.

IT IS HEREBY ORDERED that Applications No. 7955 and 8011, relating to such service, be and they are hereby denied.

IT IS HEREBY FURTHER ORDERED that C. E. Doty be and he is hereby authorized to operate freight service between Kelseyville and Hopland over the new highway, serving Finley and the plant of the Earl Fruit Company as intermediate points

and to abandon operation over the toll road and via Highland Springs.

Dated at San Francisco, California, this 2<sup>nd</sup> day  
of <sup>October</sup> ~~September~~, 1922.

H. B. Brundage

Irving Martin

J. F. Hendon

Commissioners.