

Decision No. 11413

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
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In the Matter of the Application of)
L. E. Thompson for a Certificate of)
Public Convenience and Necessity to)
Operate an Automobile Freight Service)
for the Transportation of Milk and)
Cream from Escalon to Oakland.)

APPLICATION NO. 8356.

ORIGINAL

Samuel K. King, for Applicant.

H. A. Loveland, for Joseph Barrere, Protestant.

BY THE COMMISSION:

O P I N I O N

L. E. Thompson by this application seeks an order from the Railroad Commission declaring that public convenience and necessity require the operation by him of an automobile truck service between the V. C. Bryant ranch, located about four miles southeast of Escalon, to Oakland. A public hearing was held on the application before Examiner Geary at San Francisco on December 20, 1922 and the matter having been duly submitted is now ready for a decision.

The granting of the certificate was protested in a statement by the Attorney for Joseph Barrere, who now operates a freight service for the transportation of milk and cream between Manteca, Lathrop, Pleasanton and Tracy, and Oakland, Berkeley and San Francisco. This protestant, however, presented no testimony and simply desired to be of record to the extent that a certificate

to L. E Thompson, if granted, should not interfere in any manner with the traffic now being handled by the protestant.

The primary purpose of the applicant in establishing this service is to transport milk and cream produced on the Bryant Ranch, which is located four miles southeast of Escalon and about fifteen miles from Manteca; in addition, the applicant desires to accomodate other dairy men in the vicinity of Escalon.

At the present time there is no direct automobile service from the Escalon district into Oakland, and the representatives of the Bryant Ranch testified they had endeavored to interest protestant in extending his service the fifteen miles to the Bryant Ranch, but the traffic offered was not attractive and no arrangements were perfected. In the past, small quantities of the milk and cream have been shipped by railroad from Escalon to Oakland, but owing to the train schedules and the long time consumed in reaching Oakland, the results were not satisfactory. It is intended to operate this automobile truck service on a six-hour schedule, while movements by train consume from twenty to thirty hours after the milk has been assembled, making the train service impracticable.

There is no automobile service from the Bryant Ranch-Escalon district into Oakland and since this applicant does not intend or desire to serve any of the territory between Manteca and Oakland now being served by Joseph Barrere, it would appear that the application should be granted.

The Applicant will confine his operations to the transportation of milk and cream only to Oakland and only from the territory east of Manteca through Escalon to the Bryant Ranch, and is not authorized under this application to transport milk or cream from Manteca or from any of the points in that vicinity now being served under the authority granted to Joseph Barrere in Application No. 7756. The rate to be charged, as set forth in the application,

is to be 4 cents per gallon on both milk and cream.

O R D E R

A public 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 L. E. Thompson of an automobile truck line as a common carrier of milk and cream from Escalon to Oakland, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted, subject to the following conditions:

1. 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, tariff of rates and time schedules, in duplicate, tariff of rates and time schedules to be identical with those filed as Exhibits A, B and C 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. 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. 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.

Dated at San Francisco, California, this 29th day of December, 1922.

H. B. Bundege
Dwight Martin
J. F. [unclear]

Commissioners