

Decision No. 11532.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
JOE BOZOFF and ACOP TARVOFF, co-part-)
ners, for certificate of public con-)
venience and necessity to operate a)
motor freight milk service between)
Long Beach, California and Hynes and)
Clearwater, California.)

Application No. 8264

In the Matter of the Application of)
JOHN FREDERICK HOLLAND, for a certifi-)
cate of public convenience and)
necessity to operate freight truck)
service between Clearwater, California)
and Long Beach, California.)

Application No. 8348

H. N. Blair for Bozoff & Tarvoff, Applicants.
T. E. Delamatyr for J. F. Holland, Applicant.
T. E. Woods for American Railway Express, Protestant.
R. E. Wedekind for Pacific Electric Railway,
Protestant.

BY THE COMMISSION:

O P I N I O N

Applicants each seek certificates of public convenience and necessary to operate automobile freight service between the unincorporated region of Hynes - Clearwater and Long Beach, the only commodities to be hauled being milk, cream and dairy feed and supplies.

A public hearing was held by Examiner Williams at Los Angeles. By stipulation the matters were consolidated for hearing.

The testimony shows that applicant Bozoff & Tarvoff, a co-partnership, have been transporting milk from the Hynes-Clearwater region to Los Angeles. Because creameries at Long Beach offered a market price that induced shipments there applicants suffered a loss of about 80 cans of milk daily. This milk was transported by producers and others, one of the transport agencies being that of J. F. Holland, applicant herein.

In his testimony Holland explained that he had taken over in May, 1922 a service between this district and Long Beach that had been for several years operated by one Frazer. It included, at most, eight producers. The testimony shows that the operation of both Frazer and Holland was conducted in innocence of intent to violate the law and when so advised Holland promptly filed application for a certificate.

Bozoff and Tarvoff have ample equipment to give the service proposed, the necessity for which was shown by witnesses for both applicants. Holland's equipment is a small truck. Some of the producers who ship to Long Beach preferred the Bozoff and Tarvoff service and others Holland's service. It is our opinion that Bozoff and Tarvoff should receive a certificate for the entire area sought, as shown on the map attached to the application while Holland should receive a certificate restricted to the customers he has been serving as shown on map attached to his application. Holland proposes a rate of from 10 to 15 cents per can "according to distance". His tariff should be corrected to show a specific rate for different distances. Bozoff and Tarvoff provide a rate of 14 cents a can, and \$1.50 per ton for return loads of feed and

dairy supplies. Holland offers no rate for return loads, explaining that dairies are supplied from Los Angeles.

By permitting both carriers to perform service, with suitable restriction on Holland, shippers will have a choice of service to Long Beach.

Protest of the American Railway Express and Pacific Electric Railway was withdrawn upon stipulation by applicants that only milk and dairy feed would be transported.

O R D E R

Bozoff and Tarvoff, co-partners having applied to the Railroad Commission for a certificate of public convenience and necessity to operate motor freight milk service between Long Beach and Eynes and Clearwater, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the service proposed by applicant in that area bounded on the North by Lemon Street, on the South by Artesia Boulevard, on the East by New York Avenue and on the West by the East bank of the Los Angeles River, over and along the following route:

Michigan Avenue from terminus to terminus,

And that a certificate of public convenience and necessity be and the same hereby is granted therefor upon the conditions set forth in the Order.

John Frederick Holland having applied to the Railroad Commission for certificate of public convenience and necessity to operate freight truck milk service between Clearwater-Hynes district and Long Beach, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the operation by applicant J. F. Holland of service proposed by him in that area bounded by Washington Street, New York Avenue, South Street and Maple Avenue, over and along the following route:

Michigan Avenue from terminus to terminus,

And that a certificate of public convenience and necessity be and the same hereby is granted upon the conditions set forth in the Order, as follows:

- 1 - That applicants Bozoff and Tarvoff and J. F. Holland, shall file within fifteen (15) days from date hereof, their written acceptance of the certificates herein granted, and shall file within thirty (30) days of the date hereof, duplicate tariff of rates and time schedules, in accordance with General Order No. 51 of the Railroad Commission, and that operation of such service shall begin within a period of thirty (30) days from date hereof.
- 11 - That applicants Bozoff and Tarvoff and J. F. Holland, shall not sell, lease, assign or discontinue the service herein authorized, unless such sale, lease, assignment or discontinuance shall have been authorized by the Railroad Commission.

- 111 - That no vehicles shall be operated by applicants unless such vehicles are owned by said applicants, or are leased under an agreement satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 20th
day of January, 1923.

C. Seavey

H. B. Brounidge

J. W. Martin

E. J. Shore

J. L. Whittney

Commissioners.