

ORIGINAL

Decision No. 7539

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)	
E. C. Heskett for certificate of)	
public convenience and necessity to)	APPLICATION NO.5461
operate an automobile freight ser -)	
vice between San Jose and Hollister.)	

E. C. Heskett, in propria persona.
 Archer Bowden, for Service Motor Trans. Co., protestant.
 Henry H. Gogarty, for Southern Pacific Co.

By the Commission -

O P I N I O N

E. C. Heskett applies for a certificate of public convenience and necessity to cover the operation by him of an automobile freight service as a common carrier between San Jose and Hollister.

A public hearing was held on the application before Examiner Geary at San Jose, April 26, 1920, and the matter having been duly submitted is now ready for a decision.

The testimony of applicant was to the effect that in January 1918 he established the service for which a certificate is now being applied for, principally to serve wholesale jobbing houses located at San Jose particularly grocery and produce firms, the original service being devoted almost exclusively to a limited number of firms apparently without any effort to serve the general public as a common carrier. The service was established prior to July 22, 1919, which was the date recognized by the Legislature as that upon which transportation companies operating for compensation or under contract but not as common carriers were not required to secure certificates of public convenience and necessity from this Commission. Applicant's testimony was

amplified by that of the representatives from a number of the large grocery firms and produce companies who testified to having delivered their shipments to this applicant and had always received prompt and satisfactory service. They endorsed the application and urged that it be granted.

The granting of the application was protested by the Service Motor Transportation Company which recently secured authority under Application No.5272 to operate a freight automobile service out of San Jose to a large number of points including Hollister, the place to which this applicant desires a certificate and to which he is now and has been operating for the past two years. In the testimony introduced by the Service Motor Transportation Company at the proceeding in Application No.5272 no mention was made of the fact that Mr. Heskett was operating between San Jose and Hollister and it was not until after the Service Motor Transportation Company had received its certificate that Heskett was advised that it would be necessary for him to secure a certificate of public convenience and necessity in order to continue in the service. It would appear to the Commission that the opposition of the Service Company at this time is somewhat out of place. The Southern Pacific Company also opposed the application, but the testimony in this proceeding and others involving the handling of less than carload freight into the same territory would indicate that the freight train service of the rail carrier is not being freely patronized, this no doubt for the reason that the auto freight trucks make store-door pick-ups and deliveries and are the means of reducing the time in transportation to a very great extent. In this proceeding no new service is being established and the only effect of the granting of this certificate is to perfect and make legal the operations of applicant.

After careful consideration of all the evidence in this proceeding, we are of the opinion that the public is entitled to the benefit of the service offered by this applicant and, therefore, the application will be granted.

ORDER

E. C. Heskett having filed a petition asking that the Railroad Commission make its order declaring that public convenience and necessity require the operation by petitioner of an automobile freight service between San Jose and Hollister and a public hearing having been held and the matter having been duly submitted and being now ready for a decision,

IT IS HEREBY DECLARED that public convenience and necessity require the establishment of an automobile freight service between San Jose and Hollister and that a certificate of public convenience and necessity should be issued and the same hereby is issued, subject to the following conditions:

1- That the applicant, E. C. Heskett, will file with the Railroad Commission a written acceptance of this certificate within twenty (20) days from the date of service hereof and that operation of such service will commence within ninety (90) days from the date of service hereof.

2- That the applicant, E. C. Heskett, will be required to immediately file a tariff of rates, rules and regulations and a time schedule in accordance with provisions of General Order No.51 and other regulations of the Railroad Commission.

3- That the rights and privileges hereby authorized may not again be leased, transferred nor assigned unless the written consent of the Railroad Commission to such lease, transfer or assignment has first been secured.

4- That no vehicle may be operated by the applicant, E. C. Heskett, 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 3^d day
of May, 1920.

Edwin O. Edgerton
J. D. Howard
Stuart W. W.
H. B. B.
COMMISSIONERS.