

# ORIGINAL

Decision No. 7929

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of	)	
Phillip Brocchini for authority to	)	
operate an automobile freight and	)	
express service between the town of	)	APPLICATION NO. 5536.
Davenport, Santa Cruz County, California	)	
and the City and County of San Francisco,	)	
California.	)	

J. E. McCurdy, for applicant,  
 Frank B. Austin, for Southern Pacific Company, protestant.  
 (John A. Percy, for S.P. & San Jose Transportation Company,  
 L. R. Hicks, protestant.  
 J. R. Allen, for American Railway Express Company, protestant.

BY THE COMMISSION:

## O P I N I O N

Phillip Brocchini having made application to the Railroad Commission petitioning for certificate of public convenience and necessity to operate an automotive freight service between Davenport, Santa Cruz County, California, and San Francisco, California, a hearing was held before Examiner Geary on Friday, June 11, 1920, at 9:30 a.m. and the matter is now ready for an opinion and order.

The applicant does not desire to operate as a common carrier but to handle only the perishable farm products of seven (7) ranchers to wit: G. Antonetti, O. Cottino & Co., John A. Mazzei, F. Dimeo Co., B. Tambellini, L. Lombardi, G. Tambellini & Co. A copy of the original contract, signed by these ranchers was offered and accepted

as applicant's Exhibit No.1.

These ranchers have been required to haul their produce by horse and wagon distances ranging from one to seven and one-half miles to reach freight-forwarding facilities. Commission merchants doing business in San Francisco testified as to the value of the proposed service, and stated that by the motor truck service fresh perishable products, such as artichokes, peas, beans, etc., would be delivered at their places of business, on the sidewalk, before they were open for business and would be available immediately after business hours begin, and that the Express service is not sufficient, in that it is often one or more hours late, thereby causing vegetables to be held over until the following day for sale, whereas if they had been delivered before business hours, as is the case with the motor truck, most of the supply, if not all, could have been sold on the same day.

The seven ranchers signing the contract referred to in a preceding paragraph, testified as to the necessity and convenience of the proposed service, all of which, in our minds, establishes the fact that public convenience and necessity would be served by the creation of this service.

#### O R D E R

It is hereby ordered that public convenience and necessity require Phillip Brocchini to operate an automobile freight and express service between the town of Davenport, Santa Cruz County and the City and County of San Francisco to haul the perishable farm products of the following ranchers: G. Antonetti, O. Cottino & Co., John A. Mazzei, F. Dimeo Co., B. Tambellini, L. Lombardi, G. Tambellini & Co., under a contract with said ranchers on a basis

of 75 cents per 100 pounds and to furnish a transportation service for the free return of empty carriers and also to haul supplies of grain and other goods required by said ranchers from San Francisco to Davenport on the basis of 75 cents per 100 pounds, subject to the following conditions:

1st- That the applicant, Phillip Brocchini, will within twenty (20) days from the date hereof file with the Railroad Commission a written acceptance of this order.

2nd- That the applicant, Phillip Brocchini, will be required to immediately file with the Railroad Commission the original or a certified copy of the contract with the seven ranchers, showing the rate to be charged, to wit; 75 cents per 100 pounds, in either direction, between San Francisco and Davenport and that empty carriers will be returned free and also that his operations will be restricted strictly to the business of these seven ranchers named under the contract referred to.

3rd- The rights and privileges herein authorized may not be sold, leased, transferred, discontinued nor assigned unless the written consent of the Railroad Commission to such sale, lease, transfer, discontinuance or assignment has first been secured.

4th- No vehicle may be operated by the applicant, Phillip Brocchini, 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 29<sup>th</sup> day of July, 1920.

*Edw. J. Edwards*  
*H. J. ...*  
*Frank ...*

Commissioners.