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Decision No. 7930

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of
JAMES JOHNSTON THORNTON, for certificate
of public convenience and necessity to
operate freight, livestock, cream,
express service between Potter Valley
and Ukiah.

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:
) Application No. 5827
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Chas. Kasch for Applicant
Weldon & Wessels by A. L. Wessels
for H. T. Johnston, Protestant.

BY THE COMMISSION.

O P I N I O N

James Johnston Thornton having made application to the Railroad Commission petitioning for a certificate of public convenience and necessity to operate an automotive freight and express service from the Town of Ukiah to Potter Valley, a distance of approximately eighteen miles.

A public hearing upon the application was heard before Examiner Westover at Ukiah, July 1st, 1920.

The applicant began private trucking in November 1917 and has operated ever since with increasing prosperity and now desires authority to operate as a common carrier himself. The applicant has recently begun carrying cream from the various dairy ranches in the Valley at the request of the dairymen.

H. T. Johnston, protestant in this proceeding, operates

the mail stage and incidently carries passenger, express and freight under authority granted by this Commission's Decision No. 6088 of February 28, 1919. Mr. Johnston protested principally against the operation of Mr. Thornton in carrying cream. Mr. Johnston required the dairymen located along the line of his mail route to bring their cream to a platform in Centerville, the business community of Potter Valley, thus necessitating a haul of three or four miles in some instances which resulted in the cream standing in the sun several hours awaiting transportation next day and depreciating in quality.

After a lengthy hearing the parties stipulated that Mr. Johnston would put on a cream service daily except Sunday, collecting cream principally from the dairies between seven and nine A. M. transporting it to Ukiah each morning and returning the empty cans to the dairies next day at a rate of five cents per gallon, minimum charge 25 cents, empties returned free. It was then agreed between applicant Thornton and protestant Johnston that the latter's protest to this application would be withdrawn provided the applicant withdrew request for authority to handle cream and refrain from engaging in that part of the business. The dairymen in attendance agreed that this would provide a satisfactory service.

The traffic carried over the proposed route consists principally in cream, livestock, dressed meats and grain to Ukiah and provisions, supplies, machinery, implements and blooded livestock to Potter Valley a fertile region of about 8,000 acres.

There is a sufficient volume of business to require the service of both lines.

O R D E R

IT IS HEREBY ORDERED that public convenience and necessity require the operation by James Johnston Thornton of an automotive freight and express service between Ukiah and Potter Valley and intermediate points, subject to the following conditions:

1. The applicant James Johnston Thornton will be required to file within twenty days from the date hereof a written acceptance with the Railroad Commission.

2. The applicant James Johnston Thornton will be immediately required to file with the Railroad Commission his tariff of rates, charges, rules and regulations and time schedules in accordance with General Order No. 51 and other regulations of the Railroad Commission.

3. The applicant James Johnston Thornton will be prohibited from hauling cream or returning empty cans over the route in question.

4. The operative rights herein authorized may not be discontinued, sold, transferred, leased or assigned unless the written consent of the Railroad Commission to such discontinuance, sale, transfer, lease or assignment has first been secured.

5. No vehicle may be operated by the applicant unless such vehicle is owned or leased by him under a contract or agreement satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 29th day of July, 1920.

Elin G. Edgerton
H. D. Lybrand
John R. John
