

Decision No. 7941

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application of
R. E. Murray and E. G. Wilson for a
Certificate of Public Convenience and
Necessity to operate automotive freight
Service for hauling certified milk be-
tween Timm Dairy, Dixon, California, and
Alameda, California.) APPLICATION NO. 5802.

T. J. Horan and Mr. Jaconsen, of Smith & Jacobson,
for Applicants.

H. C. Booth and M. A. Cummings, for Southern Pacific
Company, Protestants.

W. K. Lockwood, for American Railway Express Company,
Protestants.

BY THE COMMISSION:

O P I N I O N

R. E. Murray and E. G. Wilson having petitioned the Railroad Commission for certificate of public convenience and necessity to operate an automotive transportation service for carrying certified milk between Timm's Dairy, Dixon, California, and Alameda, California, via Vacaville, Fairfield, Suisun, Vallejo, Rodeo, Richmond, Berkeley, Oakland, Alameda and San Francisco. The applicants are at present employed by Mr. Doyle, one of the owners of Timm's Dairy, to handle the certified milk, the applicants bearing the relation of employees to Timm's Dairy as employer.

The applicants desire to operate the service proposed on a contract basis, charging 25 cents per case with free return of empty carriers to the destinations referred to.

Mr. Doyle, one of the owners of Timm's Dairy, at Dixon, testified that at present they are put to an expense of approximately \$500.00 per month handling the certified milk from the dairy to the railroad depot at Dixon, where the milk has to be placed aboard cars and wait for a definite train schedule, whereas by the motor truck service the transportation could be begun immediately after the milk is prepared for transportation. By use of the motor truck service six horses, three men and three wagons would be released for other service, with a saving of approximately \$500.00 per month, as indicated above. Mr. Doyle also testified that if for any reason the applicants could not carry out their contract he would provide trucks and continue the service himself.

O R D E R

The Commission, therefore, determines that a public convenience and necessity would be served by granting this application.

IT IS HEREBY ORDERED that public convenience and necessity require the establishment by R. E. Murray and E. G. Wilson of an automotive transportation service to haul certified milk from Timm's Dairy of Dixon, to Vacaville, Fairfield, Suisun, Vallejo, Rodeo, Richmond, Berkeley, Oakland, Alameda and San Francisco on the basis of 23 cents per case, regardless of destination, and for the free return of empty carriers from the various destinations enumerated to Timm's Dairy, subject to the following conditions:

1st- That the applicants R.E.Murray and E.G.Wilson will, within twenty days from the date hereof file a written accept-

ance of this order with the Railroad Commission; also file the original or a certified copy of the contract between the applicants and Timm's Dairy on the terms as set forth herein at the same time as the written acceptance of this order is filed.

2nd- That the rights and privileges hereby authorized may not be sold, leased, discontinued, transferred nor assigned unless the written consent of the Railroad Commission to such sale, lease, transfer discontinuance or assignment has first been secured.

3rd- That no vehicle may be operated by the applicants, R. E. Murray and E. G. Wilson, unless such vehicle is owned by said applicants or is owned by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 2^d day of August ~~July~~, 1920.

Edwin O. Edgerton
A. D. Loveland
Stanley D. ...
Commissioners.