

ORIGINAL

Decision No. 2959

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of Owner's Transportation Company  
for Certificate of Public Con-  
venience and Necessity to operate  
freight service between San Jose and  
San Francisco, and intermediate points.)

APPLICATION NO. 5812.

E. M. Rea, for Applicant.  
L. M. Bradshaw, for Southern Pacific Company.  
John A. Percy and L. R. Hicks, for San Francisco & San Jose  
Transportation Company.  
C. S. McLennan, for Pioneer Express.

BY THE COMMISSION:

O P I N I O N

Mark R. Monzie and Samuel G. Teter, copartners, operating under the fictitious name of Owners' Transportation Company, having made application to the Railroad Commission for a certificate of public convenience and necessity to operate a common carrier auto-motive freight service between San Francisco and San Jose and intermediate points, a public hearing was held before Examiner Geary on Friday July 2, 1920, and the matter is now ready for decision.

The applicant, Owners' Transportation Company, started operating in January, 1919, doing contract hauling only and its business has constantly increased until now it is handling about forty (40) tons of freight daily and operating from seven to twelve trucks, according to the amount of business handled.

There were offered in evidence a number of contracts signed by various patrons in San Francisco and San Jose and points along the route, and several witnesses, including the Traffic Manager of the San Jose Chamber of Commerce, who filed as Exhibit No.2, eight letters from patrons in San Jose setting forth that public convenience and necessity require the operation by applicant of this service, testified as to the efficiency of the service rendered.

Testimony also showed that while the Southern Pacific Company and other truck lines protested, the applicant truck company performs a pickup and store-door delivery service and, therefore, a different service than that of the railroad company and that the protesting truck companies are not equipped with their own vehicles to handle the business of the applicant if it should be required to discontinue. It is therefore established that public convenience and necessity is being served by the operation of the applicant company.

Testimony indicated that the applicant, the Owners' Transportation Company, owns seven trucks, but frequently had to call on outside equipment to handle its business, and the arrangement under which these outside trucks are hired is not satisfactory to the Commission, and, therefore, the order in this proceeding will contain a proviso that the applicant must make a satisfactory arrangement for such outside equipment..

The following form of order is submitted:

### O R D E R

IT IS HEREBY ORDERED that public convenience and necessity require Mark R. Monzie and Samuel G. Teter, operating under the

fictitious name of Owners' Transportation Company, to operate a common carrier automotive freight service between San Francisco and San Jose and intermediate points, subject to the following conditions:

1st- That the applicants, Mark R. Monzie and Samuel G. Teter, operating under the fictitious name of Owners' Transportation Company, will be required to file with <sup>in</sup> twenty (20) days from the date hereof a written acceptance of this order with the Railroad Commission.

2nd- That the applicants, Mark R. Monzie and Samuel G. Teter, operating ~~under the fictitious~~ name of Owners' Transportation Company, will be required to immediately file with the Railroad Commission a tariff of rates, fares, charges and a time schedule in accordance with General Order No. 51 and other provisions of the Railroad Commission.

3rd- That the rights and privileges hereby 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- That the applicants, Mark R. Monzie and Samuel G. Teter, operating under the fictitious name of Owners' Transportation Company, will be required to immediately cease and desist from operating any vehicle unless such vehicle belongs to them or is leased by them for a specified amount on a trip or time basis, the leasing of equipment

not to include the services of a driver or operator. All employment of drivers or operators of leased cars shall be made on the basis of a contract, by which the driver or operator shall bear the relation of an employee to the transportation company.

Dated at San Francisco, California, this 5<sup>th</sup> day of August, 1920.

Edwin A. Edwards  
H. P. ...  
Frank ...  
Irving ...  
Commissioners.