

Decision No. 8280

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application)
of Owners Transportation Company)
for Certificate of Public Con-)
venience and Necessity to extend)
its freight service between San)
Jose and Campbell and between)
San Jose and Agnew and intermediate)
points.)

APPLICATION NO. 6040.

A. A. Caldwell, for Applicant.
J. E. McCurdy, for Protestants.
L. N. Bradshaw, for Southern Pacific Company, Protestants.

BY THE COMMISSION:

O P I N I O N

Mark R. Monzie and Samuel G. Teter, doing business under the firm name and style of Owners Transportation Company, have made application to the Railroad Commission petitioning for certificate of public convenience and necessity to operate automotive freight transportation service by extending their line between San Jose and Campbell and between San Jose and Agnew and intermediate points. A public hearing having been held the matter is now ready for a decision.

The testimony taken at the hearing evidenced that since the applicants commenced business they have continuously hauled on a contract basis for the J. C. Ainsley Packing Company at Campbell and for the Western Industries Company at Agnew. The application

was supported by letters from patrons of the Company and from the Chamber of Commerce of San Jose, pointing out that public convenience and necessity would be served by a continuance of the service which is now and has been in the past rendered to patrons at Agnew and Campbell. There was also evidence tending to challenge the ownership of the trucks operated by the applicants and as to whether or not applicants had leased equipment in accordance with the requirements of the Commission, as set forth in its Decision No. 5318, Case No. 1202 and special mention of this will be made in the order in this proceeding. The Commission is of the opinion that this application should be granted.

O R D E R

IT IS HEREBY ORDERED that public convenience and necessity require the operation by Mark R. Monzie and Samuel G. Teter, operating under the fictitious name of Owners Transportation Company, of an automotive freight transportation service between San Jose and Campbell on the one hand and between San Jose and Agnew on the other, this being an extension of service over the route now traversed by the applicants between San Francisco and San Jose.

This order is subject to the following conditions:

1st- The applicants, Mark R. Monzie and Samuel G. Teter will be required to immediately file with the Railroad Commission a written acceptance of this order, and the service authorized hereunder must be commenced within ninety (90) days from the date hereof.

2nd- The applicants, Mark R. Monzie and Samuel G. Teter, will be required to immediately file a tariff and time schedule, in

duplicate, covering the rates, rules and charges over these new lines authorized herein, such tariff and time schedule to be in accordance with General Order No. 51 and other regulations of the Railroad Commission.

3rd- 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- No vehicle may be operated by the applicants, Mark R. Monzie and Samuel G. Teter unless such vehicle is owned by them or is leased by them for a specified amount on a trip or term 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 by whom such driver or operator is engaged, and must adhere strictly to all other requirements set forth in Decision No. 5318 in Case No. 1202.

The foregoing opinion and order are hereby ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 25th day of October, 1920.

H. S. Loveland
Frank R. H. H. H.
H. R. H. H. H.
Irving Martin
Commissioners.