

Decision No. 8633

OPINION

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of H. C. VENABLE and A. T. SPENCER,  
co-partners, doing business under  
the firm name and style VENABLE &  
SPENCER, for certificate of public  
convenience and necessity to oper-  
ate freight and express service be-  
tween Los Angeles, Artesia, Norwalk  
and Downey.

Application No. 6281.

Hocker & Austin, by Robt. E. Austin,  
for Applicants.

Frank Karr, J. D. Taggart and G. F. Squires  
for Pacific Electric Railway Company.

L. N. Bradshaw for Southern Pacific Company.

M. Thompson for American Railway Express  
Company.

BY THE COMMISSION.

OPINION

H. C. Venable and A. T. Spencer, by their above appli-  
cation, ask recognition of the existence of their right to op-  
erate and request permission to continue the service of trans-  
porting freight and express between Los Angeles, Artesia, Norwalk,  
Downey, Hansen, and intermediate points, as common carriers; or,  
as an alternative, that the Commission declare that public con-  
venience and necessity now require the service which they are  
now rendering.

A public hearing upon the application was held by Ex-  
aminer Westover at Los Angeles.

It developed at the hearing that Messrs. Venable and Spencer operate dairies near Norwalk and began hauling their own milk April 1, 1917. A. R. Brooks, who was then engaged in hauling milk and dairy products, announced that on April 30, 1917, he would abandon the service. Applicants immediately announced that they would begin operating a portion of his milk route on that date and accordingly bought a second truck, - Mr. Spencer receiving delivery of it at 6:00 A. M., May 1, 1917, at his home near Norwalk. In company with the demonstrator who delivered the truck, he gathered milk from neighboring dairies and delivered it that day to the creameries in Los Angeles for compensation.

During April applicants' first truck was used by them for hauling milk and some other freight for their neighbors for compensation, and since May 1, 1917, both trucks, and others subsequently added, have been used in general freight service, including milk, dairy products and supplies. The route followed on or before May 1, 1917, was that between Norwalk, Downey and Los Angeles, both via Santa Fe Springs and also along the highway paralleling the Southern Pacific line. Service to and from Artesia was not begun until the summer of 1917. About a year ago, the service was extended from Artesia to Buena Park.

Merchants and shippers from Downey, Norwalk and Artesia testified that applicants' service is excellent and dependable, and enables them to get goods from Los Angeles wholesale houses in less time and at smaller cost than is possible by rail and that the continued service is, therefore, needed by them. The extent of their operations and patronage is shown also by the fact that they now operate five trucks and six trailers and that their gross revenue for 1919 amounted to \$20,757.51, of which \$15,409.71 was derived from hauling milk and dairy products and supplies; their gross revenue for the first ten months of 1920

amounted to \$24,327.18, of which \$20,125.99 was derived from the hauling of milk and dairy products and supplies.

Applicants failed to show need of their service to or from Buena Park and Hansen. Their application does not show any proposed service or rates to or from Santa Fe Springs. It appears from the evidence that applicants were "actually operating in good faith on May 1, 1917," between Norwalk, Downey and Los Angeles, within the meaning of Section 3, Chapter 213, Laws of 1917, and that public convenience and necessity require their operation between Norwalk and Artesia.

Applicants were granted authority by Decision No. 6961. of December 19, 1919, to transport milk, cream and dairy products only between Los Angeles and Norwalk upon Application No. 4639 for a certificate that public convenience and necessity require the service. Evidence was not submitted at that time showing need for other service than the limited class of service authorized by that decision.

#### ORDER

A public hearing having been held upon the above entitled application, the matter having been submitted and the Commission being now fully advised,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by <sup>H. C.</sup> Venable and A. T. Spencer, co-partners, doing business under the firm name and style of Venable & Spencer, of an automobile truck service as common carriers of freight and express between Norwalk and Artesia, but not serving Buena Park, Hansen or Santa Fe Springs, and that said applicants appear "to have been actually operating in good faith on May 1, 1917," such freight service between Los Angeles, Downey and Norwalk.

The operative rights and privileges hereby established may not be transferred, leased, sold, nor assigned, nor the service abandoned unless the written consent of the Railroad Commission thereto has first been procured.

No vehicle may be operated in said service unless said vehicle is owned by the applicants herein or is leased by said applicants under a contract or agreement satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that the said applicants shall, within twenty days from the date hereof, file with the Railroad Commission, their schedule and tariffs covering said proposed service, which shall be in addition to proposed schedule and tariff accompanying the application, and shall set forth the date upon which the operation of the line hereby authorized shall commence, which date shall be within ninety days from date hereof, unless time to begin operation is extended by formal supplemental order.

The authority herein contained shall not become effective until and unless the above mentioned schedule and tariffs are filed within the time herein limited.

Dated at San Francisco, California, this 21<sup>st</sup> day of ~~January~~ February, 1921.

H. B. Leonard  
Frank K. Allen  
H. B. Pringle  
James M. Martin  
Charles H. Powell  
Commissioners.