

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the Application of )  
 A. L. PHILLIPS for a certificate of )  
 public convenience and necessity to : Application No. 6498  
 operate motor freight service between )  
 SACRAMENTO and WHEATLAND. )

- J. W. Bedeau for applicant.
- R. P. Talbot for Sacramento-Auburn Stage Line
- F. C. Hill for M. E. Frederick
- G. J. Bradley for Merchants & Manufacturers ASS'n.
- L. W. Bradshaw for Southern Pacific Company and American Railway Express.

BY THE COMMISSION,

O P I N I O N

A. L. Phillips has petitioned the Railroad Commission in accordance with his application amended at the hearing, for an order declaring that public convenience and necessity require the operation by him of an automobile truck service as a common carrier of freight between Sacramento and Wheatland and the intermediate points only between Roseville and Wheatland, provided, however, that said applicant shall carry only milk and dairy products on the south bound trips.

A public hearing on this application was conducted before Examiner Satterwhite at Sacramento on March 9th, 1921, at 2 P. M., the matter was submitted and is now ready for decision.

Applicant proposes to charge rates and to operate on a time schedule in accordance with amended Exhibits "A"

and "B" attached to said application, using as equipment one two ton White automobile.

The Southern Pacific Company, American Railway Express, and M. E. Fredericks appeared in opposition to the application. G. J. Bradley, representing Merchants and Manufacturers Association appeared in the capacity of amicus curiae.

The applicant testified in his own behalf and called other witnesses in support of the application. The witnesses consisted of several dairymen who operate dairies in the vicinity of Wheatland, Lincoln and Sheridan and also merchants who conduct merchandise stores also at these same points.

The testimony shows that this proposed service is necessary to transport the dairy products of the dairymen into Sacramento and way points for the reason that the Southern Pacific Company has recently discontinued the operation of their train designated the "El Dorado Flyer" on which the dairymen had been shipping their products.

The town of Wheatland is located in the heart of a large hop section and it appears that there is a demand for more prompt deliveries of groceries, produce and hardware from Sacramento into this district. There is no station agent of the Southern Pacific at Sheridan and much delay in the delivery of freight has been occasioned by this fact. Many of the merchants and business men at these points desire this proposed truck service for the reason that the deliveries will be always in the day time and will furnish a store door pick up and delivery service.

M. E. Fredericks, protestant, introduced in evidence two statements signed by a large number of merchants and business

men at Lincoln endorsing the efficiency and adequacy of his freight service between Sacramento and Lincoln and requesting this Commission not to duplicate this service. Mr. Fredericks testified in his own behalf to the effect that he is fully equipped to handle all freight traffic between Sacramento and Lincoln and requested that his service be not duplicated.

The Southern Pacific Company introduced their schedule of freight trains serving the territory in question and also a statement of the L C L business for the month of February 1920, from Sacramento to points proposed to be covered by this auto track line.

After a careful consideration of all the evidence we are of the opinion and find as a fact that public necessity requires the operation by said applicant of this proposed service between Sacramento and Wheatland and the intermediate territory only between Lincoln and Wheatland.

### O R D E R

A public hearing having been held in the above application, the matter being submitted and now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by A. L. Phillips of an automobile truck service as a common carrier of freight between Sacramento and Wheatland and the intermediate points only between Lincoln and Wheatland,

provided, however, that the applicant shall carry and deliver only milk and dairy products at all intermediate points except between Roseville and Sacramento on the south bound trips and to pick up empty milk cans on the north bound trips, and

provided further, that the operative rights and privileges hereby established may not be transferred, leased, sold nor assigned, nor the said service abandoned unless the written

consent of the Railroad Commission there has first been procured, and

Provided further, that no vehicle may be operated in said service unless said vehicle is owned by the applicant herein or is leased by said applicant under a contract or agreement satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that applicant shall within twenty (20) days from the date hereof file with the Railroad Commission his schedule and tariff 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 will commence, which date shall be within ninety (90) days from date hereof, unless time to begin operation is extended by formal supplemental order.

Dated at San Francisco, California, this 12<sup>th</sup> day of May, 1921.

H. B. Brundage  
H. W. ...

J. H. ...

Commissioners