

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application
of LEE B. HAWKINS for certificate
of public convenience and necessity
to operate milk trucks between Los
Angeles and Perry.

Application No. 6896

Leo B. Hawkins, in propria persona
vs. Thompson for American Railway Express
J.D. Faggart and G.F. Squires for Pacific Electric
Wm. Lewis, by Guy Lewis for Bob Aurtoff
Frank Carrell for Joe Bozoff

BY THE COMMISSION.

O P I N I O N

Lee B. Hawkins has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of auto truck service as a common carrier of milk and dairy supplies between Perry and Los Angeles and intermediate points.

A public hearing was held at Los Angeles before Examiner Williams, the matter was duly submitted and is now ready for decision.

Applicant alleges that similar service now maintained by Joe Bozoff and Bob Aurtoff, under authority of this Commission, is inadequate and inefficient, and there is a similar allegation as to the service of the Pacific Electric Railway, over whose lines the American Railway Express operates.

Applicant amended his application at the time of hearing by filing two routes for service to the dairies. These routes covered, in practically the same way the territory served by Bozoff and Aurtoff, and fixed applicant's scope of operation as a competitor of these established operators.

Applicant proposes a rate of 15 cents a can to Los Angeles, including pick-up at the dairies and return of empty cans, and \$1.75 per hundred pounds for dairy supplies, which is less than either of the other auto truck operators or rail transportation. But this rate was not based, applicant admitted, on any volume of business prospectively available, but on a minimum of 100 cans daily and 6 hour service of trucks, for which he testified, \$2.50 an hour would be compensatory. Applicant is in the feed and trucking business at Moneta, a distributing point of the district, and owns nine trucks, two of which, of 2½-ton capacity, were to be diverted to the business, and, if necessary, a third. His ability to operate properly was not questioned.

Applicant testified he had made no personal investigation of the area or obtained promise of business from dairymen, except as he had authorized C.F. Schofield, a truck driver, to make. He further testified that he was to furnish the trucks and that Schofield was to handle the business, driving one truck, on a percentage basis.

Schofield under examination testified he did not know of any dairies applicant would haul for, although he had interviewed a number of dairymen. It was evident that both applicant and Scofield had the desire to enter the field but had not acquired business as a basis, but rather depended on the reduced rate proposed. Applicant testified that he was led to consider operation by complaints of the present operators to the manager of the Milk Producer's Association, a Mr. Brice. This witness was not produced.

Applicant also said he understood that if he was granted a certificate it would also mean the cancellation of any

other certificates in the same area.

To justify his desire to supersede the service of Bozoff and Aurtoff, applicant presented three witnesses. Their testimony was not convincing that, at the present time either operator was not giving good service, though each had given cause for complaint some months before. Two witnesses were dairy-men, one of whom said the present operator was giving satisfactory service.

The testimony of all was not sufficient to show either inadequacy or inefficiency, nor to show that any public necessity requires the admission of applicant into the field now served by the other carriers. As to the additional territory (north of Olive Street and between Electric Street and Perry) it is too small to consider as separate operation.

Protestants American Railway Express and Pacific Electric Railway did not resist the application except in so far as their general objection to such service or its encroachment on their field, each asserting indifference as to who performed the service.

After considering carefully all of the evidence in the proceeding, we are of the opinion and find as a fact that public convenience and necessity do not require the operation by applicant of an automobile truck service as applied for, and that application herein should be denied.

O R D E R

Leo B. Hawkins having petitioned the Railroad Commission for an order declaring that public necessity and convenience require the operation by him of an auto truck service for transportation of milk and dairy supplies between Perry and

Los Angeles and intermediate points, a public hearing having been held, the matter having been duly submitted and the Commission being fully advised

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the establishment of an automobile truck service as a common carrier of milk between Perry and Los Angeles and intermediate points via the routes described by petition herein.

IT IS HEREBY ORDERED that the application be, and the same is hereby denied.

Dated at San Francisco, California, this 12th day of July, 1921.

H. A. Brundage
H. D. Townsend
DeWitt M. Martin

