

Decision No. 9693.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application  
of C.E. BOYLE and H.B. BOYLE, co-  
partners, doing business under the  
firm name and style of C.E. Boyle  
& Son, for certificate of public  
convenience and necessity to oper-  
ate milk route service between  
Twin Oaks, in Twin Oaks Valley, San  
Diego County, California, and Ber-  
nardo, San Diego County, California.

Application No. 7149.

E.V. Richardson, for Applicant  
E.T. Lucey, for Atchison, Topoka and Santa Fe  
Railway Company, Protestant  
L.M. Turrentine, for Ray Trussell, Protestant  
E.J. Bischoff, for Coast Truck Lines, Protestant  
Ray Webb, for Elmer Webb, Protestant.

BY THE COMMISSION:

O P I N I O N

C.E. Boyle and H.B. Boyle, partners under the  
name of C.E. Boyle & Son, have applied to the Railroad  
Commission for a certificate of public convenience and  
necessity to operate an auto truck milk route between  
Twin Oaks and Bernardo, San Diego County.

A public hearing was held by Examiner Williams  
at San Diego.

Applicants have been hauling between these  
points without proper authorization for two years, deliver-  
ing the milk at Bernardo to Georgeson Bros., an authorized  
carrier, for transportation to San Diego. Until Ray Trussell,  
a dairyman, withdrew his patronage, the operators did not

think of getting authority from the Railroad Commission, and filed no application until after Trussell began hauling his own milk and that of two other producers.

At the hearing, both the Boyles and Trussell asked authority to perform this service, though Trussell has filed no application.

The bulk of the milk produced in Twin Oaks Valley may be just as conveniently delivered to an authorized carrier, Coast Truck Lines, at San Marcos, and transferred to the authorized lines of Webb Bros. at Escondido, for transportation to San Diego. Both carriers, at the hearing, expressed a desire to do this and to provide adequate facilities for this service.

The testimony showed that the Boyles' operation could not be successful without Trussell's product, the largest in the Valley, and Trussell declared he would haul his own milk before delivering it to the Boyles. In view of this, it seems there is no real necessity for the Boyles' service, which, because of the situation, was discontinued voluntarily August 15, 1921. At the hearing, Trussell was cautioned that his hauling for others was in violation of law, and he promised to desist.

In view of these facts, sufficient public need is not shown and the application should be denied. The existing carriers should provide this service and, if necessary, arrange for pickup service in Twin Oaks Valley whenever a sufficient number of shippers tender their shipments. Joint rates for this service should be provided.

ORDER

C.E. Boyle and E.B. Boyle having applied to the Railroad Commission for a certificate of public convenience and necessity to operate an auto track milk route between Twin Oaks and Bernardo, San Diego County, a public hearing having been held, the matter being duly submitted and being now ready for decision

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity do not require the operation as applied for.

It is further ordered that application herein be and the same is hereby denied.

Dated at San Francisco, California, this 4th day of November, 1921.

H. B. Brundage  
H. D. Loveland  
Ernie Martin  
Charles H. Powell  
J. P. ...  
Commissioners.