

ORIGINAL

Decision No. 9820.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of)
GARCIA & SANTOS for certificate of)
public convenience and necessity to)
operate fruit and produce freight)
truck service between San Jose and)
Oakland and intermediate points as)
follows: East San Jose; Berryessa,)
Wayne, Milpitas, Warm Springs,)
Mission San Jose, Niles, Irvington,)
Centerville, Alvarado, San Leandro,)
Elmhurst, Oakland.)
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Application No. 7238.

George B. Santos for Applicants.

Kiso Yasunaga, Protestant.

J. E. Lyons for Southern Pacific
Company, Protestant.

O P I N I O N.

BY THE COMMISSION:

J. E. Garcia and G. B. Santos, co-partners doing
business under the name of Garcia and Santos, have petitioned
the Railroad Commission for an order declaring that public con-
venience and necessity require the operation by them of an auto-
mobile truck service as a common carrier of fruit and produce
between San Jose and Oakland and intermediate points.

A public hearing on this application was conducted by
Examiner Handford at San Francisco, the matter was duly submitted
and is now ready for decision.

Applicants propose to charge rates in accordance with
a schedule marked exhibit "A" and filed with the application in

this proceeding and to operate one round trip daily, except Saturday, during the fruit and vegetable season which is stated to be from March to November inclusive of each year. Applicants propose to use as equipment one Mack truck of three and one-half tons capacity.

Applicants rely as justification for the granting of this certificate upon the alleged fact that their proposed operation would give fruit and vegetable growers and commission houses a better service than is now obtainable by existing authorized carriers; that the fruit and produce would be handled but once and would always be brought to the market in time for early morning sales. It is also alleged that it would be a convenience to the growers to have trucks call directly at the ranches for the produce requiring shipment to Oakland. At the hearing on this application the only evidence presented was that of Mr. Santos, one of the co-partners, who stated that some unauthorized hauling had already been done by himself and partner. There is no evidence presented in substantiation of the application as to the necessity for the proposed service and, in the absence of an affirmative showing that the service is necessary and will be a convenience to those proposed to be served, the application has no merit and must be denied.

O R D E R.

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission being fully advised,

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

Dated at San Francisco, California, this 26th day of November, 1921.

H. B. ...

H. ...

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Commissioners.