

ORIGINAL

Decision No. 27819

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of ELLIS BROWN and P. M. FOLLENSBEE, partners in business under the name of Triangle Transfer and Storage Company, for a certificate of public convenience and necessity to operate an automobile truck service for the transportation of household goods between San Diego and Los Angeles, and intermediate points, via the Coast Route.

Application No. 9915.
(Supplemental)

In the Matter of the Application of BEKINS FIREPROOF STORAGE, a copartnership, for order to sell, and BEKINS VAN LINES, INC. to purchase, an automobile freight line operating in the State of California.

Application No. 11108.
(Supplemental)

In the Matter of the Application of WILLIAM L. CARPENTER, doing business under the fictitious firm name and style of Argonne Van Lines, for certificate of public convenience and necessity to operate a Van Line service as a common carrier, between Los Angeles, San Francisco, Sacramento, San Diego and intermediate points.

Application No. 18633.
(Supplemental)

In the Matter of the Application of LYON VAN LINES, INC., a corporation, for an extension of its present service to San Diego, and for a certificate of public convenience and necessity to operate and extend its Van Line service as a common carrier between Los Angeles and San Diego and intermediate points.

Application No. 19697.

In the Matter of the Application of C. W. CARLSTROM, doing business under the fictitious firm name and style of Ace Van & Storage, for a certificate of public convenience and necessity to operate a van line service as a common carrier between San Diego and Los Angeles and intermediate points.

Application No. 19762.

C. P. Von Herzen, for Lyon Van Lines, Inc.
Phil Jacobson, for C. W. Carlstrom (Ace Van and Storage), and protestant in all other applications.

Libby & Sherwin, by Warren E. Libby, for Keystone Express System, protestant, all applications.
Floyd R. Bekins, for Bekins Van Lines.
Ellis Brown, for Triangle Transfer & Storage Company, protestant, all other applications.
Wm. L. Carpenter, for Argonne Van Lines.
Richard T. Eddy, for C. V. McClain, Los Angeles-Newport Freight Line, protestant, all applications.
H. P. Merry and H. J. Bischoff, for Southern California Freight Lines, protestant, all applications.
E. T. Lucey and Wm. F. Brooks, for The Atchison, Topeka and Santa Fe Railway Company, protestant, all applications, and for Southern Pacific Company, protestant in Application No. 19752.

BY THE COMMISSION:

O P I N I O N

Triangle Transfer and Storage Company, a partnership composed of Ellis Brown and P. M. Follensbee, filed its Supplemental Application No. 9915 for authority to issue class and commodity rates covering points located between San Diego, Los Angeles and Huntington Beach, Laguna Beach and Serra and to use the route through Huntington Beach, Laguna Beach, etc. as an alternate route in connection with its present operation between Los Angeles and San Diego and intermediate points via the Coast Route.

Bekins Van Lines, Inc. filed its Supplemental Application No. 11108, requesting an order authorizing applicant to establish an alternate route between Los Angeles and Serra on its San Diego Division, via Huntington Beach, Newport Beach, Balboa, Laguna Beach and Long Beach.

William L. Carpenter and Jessie Carpenter, doing business under the fictitious name of Argonne Van Lines, filed their Supplemental Application No. 18633, requesting an order authorizing applicants to establish an alternate route between Los Angeles and Serra, on the San Diego Division via Huntington Beach, Newport Beach, Balboa and Laguna Beach.

Lyon Van Lines, Inc. filed Application No. 19697, requesting a certificate of public convenience and necessity for the operation of automotive truck service for the transportation of household goods, office furniture, etc., between Los Angeles and San Diego, as an extension to or consolidation with its existing operative rights.

C. W. Carlstrom, doing business under the fictitious firm name and style of Ace Van and Storage, filed Application No. 19762 for a certificate of public convenience and necessity for the operation of automotive truck service for the transportation of household goods, office furniture, etc., between Los Angeles and San Diego and intermediate points.

Public hearings on said applications were conducted by Examiner Gorman at Los Angeles on January 18th, February 1st and February 2nd, 1935, the matter having been duly submitted on the latter date. All applications were consolidated for the taking of testimony and decision.

The facts, as developed at the hearing on these matters, may be summarized briefly as follows:

Supplemental Application No. 9915,
Triangle Transfer & Storage Company.

Decision No. 15085, dated June 22nd, 1925, authorized Ellis Brown and P. M. Follensbee, doing business under the fictitious name of Triangle Transfer and Storage Company, to operate an automotive truck service as a common carrier of new and secondhand, crated or uncrated, office, store and house furniture, showcases, household goods, pianos, musical instruments, trunks, baggage and personal effects (as a part of and in connection with household goods), between San Diego and Los Angeles via the Coast Route and to or from intermediate points to, from or to either San Diego or Los Angeles and for a distance of thirty miles on either side of

the highway comprising such route. The Coast Route referred to in said grant is the highway between Los Angeles and Serra via Santa Ana.

Applicant requests authority to (1) issue rates between San Diego, Los Angeles and Dana Point, Laguna Beach, Balboa, Newport Beach, Huntington Beach, Seal Beach, Long Beach and to or from intermediate points to, from or to either San Diego or Los Angeles, and for a distance of thirty miles on either side of the highway comprising said route, in accordance with the proposed tariffs attached to the application; and (2) operate via the route between Los Angeles and Serra via Long Beach, Huntington Beach, Balboa, etc., as an alternate route in connection with its present certificated route.

The thirty-mile lateral right on either side of the existing certificated route encompasses all of the points proposed to be served on the alternate route. Applicant's tariff C.R.C. No. 3 (Rule 1-(b)) provides - "To make rates to or from points off the main highway or regular route, add fifty cents per mile for each mile travelled." There appears to be no dispute as to the right of applicant to serve all of the points along the proposed alternate route by diversion from the main route; however, a proper construing of the existing certificate and tariff clearly indicates that rates applicable to such points on the alternate route are a combination of the rate to the point of detour or diversion from the main highway or regular route plus 50 cents per mile for each mile travelled to the point located off the regular route. The rates to points on the alternate routes by this circuitous method are in excess of rates which would be applicable by the direct operation over the proposed alternate route.

The application alleges that for the past twenty years applicant has been serving territory located on the proposed alternate route by direct delivery with its own equipment and by hauling to its terminal at Los Angeles and there turning over to other carriers shipments for delivery to points located on the proposed alternate route, thereby affording the public a very satisfactory and frequent service; that applicant is the only operator whose tariff covers the hauling for the trade - new, uncrated furniture moving between factories and stores in the territory along the alternate route; and that applicant is of the opinion that the public is entitled to and its business warrants the issuance of class and commodity rates applicable to territory covered by the proposed alternate route, similar to the rates offered the public on its presently so-called Coast Route.

The record shows that during 1930 applicant transported 145,985 pounds and during 1934 transported 57,205 pounds of merchandise to points along the proposed alternate route between Los Angeles and San Diego, of which approximately 15 per cent was new furniture and approximately 85% was used office and household furnishings. In addition to the traffic handled by applicant to or from points on the alternate route, the record shows that Lyon Van Lines, Inc. and Bekins Van Lines transported several shipments from or to said points. The record shows that applicant provides a specialized service in connection with the movement of household goods, etc., through the utilization of special van equipment and men particularly experienced in the handling of such commodities.

There is no evidence in this record to show that protestants are rendering a service comparable in type to that proposed to be rendered by applicant to the points involved herein or that the granting of this application will have any adverse effect upon their operations.

As was previously pointed out, applicant's right to serve thirty miles laterally on either side of the main travelled route encompassed all the points along the alternate route; therefore, there appears to be no necessity for a lateral right thirty miles on either side of the alternate route, inasmuch as no showing of public convenience and necessity was made for service into the area thirty miles on either side of the route between Los Angeles and Long Beach and the route between Long Beach and Serra practically parallels the shore line of the Pacific Ocean.

Applicant's proposed alternate route is as follows:

From Triangle Transfer & Storage Company Terminal, 828 East Fourth Street, Los Angeles, via Fourth Street to Alameda Street, south on Alameda Street to Truck Boulevard; Truck Boulevard to Anaheim Street, Long Beach; Anaheim Street to Long Beach Boulevard; Long Beach Boulevard to Ocean Avenue; Ocean Avenue to Huntington Beach, Laguna Beach, Dana Point, Serra; Serra to San Diego on Route 101 State Highway, and vice versa.

The granting of the authority sought by applicant merely provides the right to serve points, which it already has a right to serve, by a more direct route and at lower rates than at present and to permit the operation over the route between Los Angeles and Serra via Long Beach and Huntington Beach as a route alternate to its existing route.

From a careful review of the evidence, it appears that the granting of the authority sought will be in the public interest.

Supplemental Application No. 11108,
Bekins Van Lines, Inc.

The authority sought by Bekins Van Lines, Inc. is practically identical with that sought by Triangle Transfer and Storage Company, as outlined above, except applicant does not propose to transport new office and household furniture.

Decision No. 15085, dated June 22nd, 1925, among other things, authorized Milo W. Bekins, Floyd R. Bekins, Reed J. Bekins, and R. M. Bekins Holt, partners in business under the fictitious

name of Bekins Fireproof Storage, to operate automotive truck service as a common carrier of office furniture and equipment, house furniture, household goods, pianos, musical instruments and trunks and personal effects (as a part of and in connection with household goods and excluding sample cases, commercial trunks or baggage), between Los Angeles and San Diego and all intermediate points and including a distance of thirty miles on either side of the highway comprising the main route and thirty miles beyond terminal points, provided that the commodities authorized transported were not offered for resale. The regular route now used by applicant between Los Angeles and San Diego is via Santa Ana.

The above referred to certificate, granted to Bekins Fireproof Storage, was transferred to Bekins Van Lines, Inc. under authority granted by this Commission's Decision No. 16456, dated April 10th, 1926, on Application No. 11108. Bekins Van Lines, Inc. local freight tariff (C.R.C. No. 3, Rule 1-(f)), provides as follows: - "If the point of origin or destination or both is not a point directly intermediate between points from or to which a specific rate is published, or within free pick-up or delivery limits, through rates will be obtained from or to such points of detour or extension by adding one and one-quarter ($1\frac{1}{4}$) cents per 100 pounds, per mile, for capacity loads, or by adding 40 cents per mile travelled or fraction thereof, from the point of detour or extension beyond the main route of travel or beyond free pick-up and delivery limits, provided that roads on such detours or extensions are of a hard surface sufficient to allow the operation of large motor vans without undue hazard (this company to use its own judgment in such matters), and when road conditions will not permit the operation of large vans, but smaller trucks can reach the destination, an increase of 50% of the rate will be assessed."

Mr. Floyd R. Bekins, representing Bekins Van Lines, Inc., testified that, in his opinion, the certificate granted by this Commission afforded his company the right to serve any point within thirty miles laterally of the regular route by any route and that the tariff rate was applied via the shortest route to said point. This interpretation of the right and the application of the tariff, in our opinion, is incorrect. From a careful analysis of the certificate, together with the tariff, it appears that the rate to a point remote from the regular route would be a combination of the rate to the point of diversion or detour on the main travelled route, plus the rate of $1\frac{1}{2}$ cents per 100 pounds per mile, or 40 cents per mile travelled, depending upon the circumstances, between the diversion point and the point of pick-up or delivery.

Applicant's proposed alternate route is as follows:

Leaving Los Angeles Terminal, 1335 South Figueroa Street, thence south on Figueroa Street to Washington Street, east on Washington Street to Alameda Street, south on Alameda Street to Main Street in Compton, east on Main Street to Long Beach Boulevard, south on Long Beach Boulevard to American Avenue in Long Beach, south on American Avenue to Anaheim Street, thence east on Anaheim Street to Coast or Roosevelt Highway through Seal Beach, Huntington Beach, Balboa, Laguna Beach to Serra, thence via present route to San Diego.

After a careful review of the testimony and evidence in this matter, it appears that the granting of the authority sought will be in the public interest.

Supplemental Application No. 18633,
Argonne Van Lines.

Decision No. 26992, dated April 30th, 1934, authorized William L. Carpenter and Jessie Carpenter, doing business under the fictitious name of Argonne Van Lines, to operate an automotive truck service as a common carrier of secondhand (used) household goods and office furniture, fixtures and equipment, packed or unpacked, trunks, boxes, barrels, crates or bundles containing household goods or

personal effects, musical instruments, radios or other household equipment between Los Angeles and San Diego, via State Highway, via Whittier, Santa Ana, San Juan Capistrano, Oceanside and Del Mar.

It appears from the testimony of William L. Carpenter, representing Argonne Van Lines, that he was of the opinion that the above referred to certificate authorized applicant to serve laterally for a distance of thirty miles on either side of the regular route and that his company already had the right to serve the points located along the proposed alternate route. A careful review of the above referred to decision does not disclose any right being granted to Argonne Van Lines to serve laterally from its defined route. Mr. Carpenter's understanding, in our opinion, is incorrect.

The record further shows that Mr. Carpenter was uninformed as to whether or not any traffic had moved via his line to points along the alternate route. In view of the fact that applicant does not now have a right to serve points located along the proposed alternate route by diversion from the main route, and the record does not show that public convenience and necessity require the operation of motor truck service by applicant along said proposed alternate route, the application should be denied.

Application No. 19697,
Lyon Van Lines, Inc.

Lyon Van Lines, Inc., requests a certificate of public convenience and necessity for the operation of automotive truck service for the transportation of household goods and office furniture, fixtures and equipment, packed or unpacked, personal effects in boxes, barrels, crates, trunks or wrapped in bundles or rolls, musical instruments, sewing or washing machines, stoves and other household goods between Los Angeles and San Diego and intermediate points and for a consolidation of said certificate with its existing certificates. Applicant also requests authority to render a pick-up and delivery service for a distance of twenty-five miles on either

side of the route between Los Angeles and San Diego.

The application alleges that applicant at the present time owns a certificate of public convenience and necessity to operate automotive truck service for the transportation of household goods, etc. between Los Angeles and San Francisco, Oakland, Santa Rosa, Sacramento and intermediate points. Applicant does not propose to have a regular time schedule between Los Angeles and San Diego but expects to operate an "on call" service and proposes to use the same equipment which is now being used in connection with its present service.

The record shows that California Highway Express (applicant's predecessor), filed Application No. 10208 with this Commission seeking a certificate of public convenience and necessity, among other things, for the operation of automotive truck service for the transportation of household goods, etc., between Los Angeles and the Mexican Border via San Diego and intermediate points. Decision No. 15085, dated June 22nd, 1925, on Application No. 10208, did not grant the certificate prayed for between Los Angeles and the Mexican Border. By Decision No. 15560, dated October 21st, 1925, the Commission denied the petition for rehearing, filed by California Highway Express.

The instant application recites as follows - "That in said proceeding (Application No. 10208), ⁽¹⁾ a stipulation was entered into between the parties appearing before the Railroad Commission, wherein it was stipulated that all evidence introduced on behalf of Bekins Van Lines and City Transfer and Storage Company of Long Beach ⁽²⁾ should be applicable to the then applicant, California Highway Express; that, through some inadvertence, no

(1) Parentheses ours.

(2) Application No. 10208 was consolidated with Applications Nos. 9831, 9915, 9993, 10022, 10481 and 10817 for the purpose of receiving evidence.

record was made of such stipulation and that, by reason thereof, the application of this applicant's predecessor was denied, but that by a tacit understanding between all the parties in interest, no objection has ever been made to applicant's predecessor in interest and applicant's continued operation as a common carrier between said points."

Mr. Chester A. Nelson, President and Manager of Lyon Van Lines, Inc., testified that he believed that his company was not operating unlawfully, in view of the fact that, in his opinion, this Commission erred in its decision denying applicant's predecessor a certificate to operate an automotive truck service between Los Angeles and the Mexican Border via San Diego and that, shortly after the issuance of said decision denying applicant's request for the above referred to certificate, the Commission, on December 31st, 1925, rendered its Opinion and Order in the so-called Ben Moore case (27 C.R.C. 388), holding that the Commission had no jurisdiction to certificate radial "on call" operators, which, in his opinion, created considerable doubt as to whether or not a certificate of public convenience and necessity was necessary for conducting said service.

The fact that ten years have elapsed subsequent to the issuance of said decision; that applicant possesses certificates of public convenience and necessity to conduct identically the same type of operations between other points in California; and that applicant is a large company whose officials are fully informed as to the requirements of this Commission as well as the Auto Truck Transportation Act (Chapter 213, Statutes 1917), in our opinion, leaves little logic to applicant's contentions. If any consideration were to be given to the contention that one, who was denied a right to conduct a common carrier operation by this Commission,

should still be permitted to carry on such operation as long as he was of the sincere belief that the Commission erred in its judgment by denying such right, it may be readily seen that there would be little, if any, justification for the continuation of regulation.

It is also difficult to understand applicant's reasoning, in view of the further fact that applicant and Bekins Van Lines, Inc. were complainants in a formal complaint (Case No. 2850) against A. M. Griggs, doing business under the fictitious name of Griggs Van and Storage Company, in which the Commission held (Decision No. 23228, dated December 30th, 1930), that the operations of defendant were those of a common carrier and in violation of Chapter 213, Statutes of 1917, and amendments thereto.

Several public witnesses testified that they had used the services of Lyon Van Lines, Inc. between San Diego and Los Angeles and points north thereof and that the service was satisfactory and they desired to see the service maintained. A careful review of the testimony of these witnesses shows that a majority of them were employed by oil companies, etc. and that their moving was arranged and paid for by their employers.

Exhibit No. 1, introduced in evidence by applicant, shows the tonnage hauled by Lyon Van Lines, Inc. between Los Angeles and adjoining cities, on the one hand, and San Diego and points intermediate between San Diego and Los Angeles, on the other hand, which is as follows:

1932		1933		1934	
No. of Shipments	Tonnage Pounds	No. of Shipments	Tonnage Pounds	No. of Shipments	Tonnage Pounds
200	306,904	198	379,981	191	427,342

The record also shows that applicant receives from four to five inquiries per week relative to service between San Diego and points north of Los Angeles and from eight to ten calls per week for service between Los Angeles and San Diego and intermediate points. Applicant maintains solicitors who solicit business to and from points between Los Angeles and San Diego so undoubtedly many of the inquiries are the result of such solicitation.

There are now eight certificated carriers, as well as The Atchison, Topeka and Santa Fe Railway Company, operating between Los Angeles and San Diego and, of these, three specialize in the transportation of uncrated household and office furniture, etc. None of these three carriers are operating a daily service in this specialized field, due to the fact that the amount of business is insufficient to justify such frequency of service. The record does not disclose any inadequacy of the present service and does show that the existing carriers are capable of transporting many times the present volume of business.

Applicant has admitted, by its own allegations, that it has continued to operate as a common carrier even though it was denied a certificate of public convenience and necessity. This Commission cannot condone such an operation.

After carefully reviewing the evidence in this proceeding, we are of the opinion and hereby conclude that applicant failed to show that the present service of the existing carriers between Los Angeles and San Diego and intermediate points was inadequate or inconvenient and that public convenience and necessity ~~require~~ require the operation of automotive truck service between said points, as proposed by applicant.

Application No. 19762,
Ace Van and Storage.

C. W. Carlstrom, doing business under the fictitious firm name and style of Ace Van and Storage, requests a certificate

of public convenience and necessity to operate automotive truck service for the transportation of secondhand household goods, office furniture, fixtures, furnishings, personal effects, musical instruments and other household and office equipment, both packed and unpacked, between Los Angeles and San Diego and intermediate points, including all points within a radius of twenty-five miles on either side of the highway. The route proposed by applicant is via Long Beach, Laguna Beach, Oceanside, etc. Applicant proposes an "on call" service, with a minimum of one trip weekly between Los Angeles and San Diego and intermediate points, and proposes to use three six-wheel, three-ton Chevrolet trucks with van bodies and one Chevrolet tractor and semi-trailer with van body. The rates proposed by applicant are somewhat less than the existing rates of the certificated motor truck carriers between Los Angeles and San Diego and intermediate points.

Many witnesses were called in behalf of applicant, the majority of whom were engaged in the business of storing and moving household goods. These witnesses testified as to the frequency of inquiries received relative to service for the moving of household goods between Los Angeles and San Diego. It appears from the evidence that these transfer and storage operators were all expecting to act as commission agents for applicant. They all testified that they would continue to haul, as contract carriers, any large shipments received for transportation between Los Angeles and San Diego and would turn over to applicant only the small lots which would be unprofitable to transport themselves.

The record shows that a majority of the tonnage of household goods, etc., moving between Los Angeles and San Diego, is now being transported by so-called contract carriers and that forty-four carriers have filed rates between San Diego and Los Angeles with

the Code authority, of which twenty have equipment capable of transporting household goods. It appears that the principal reason why this volume of business is moving via contract carriers is the matter of low rates. There is no evidence in the record in this proceeding to show what rates are being charged by these so-called contract carriers or whether or not the rates proposed by applicant would be such as to detract business from said carriers.

No estimate of expected revenue, which applicant would derive from the proposed operation, was introduced and the record is not conclusive that applicant would secure a sufficient volume of business to make the proposed operation a financial success.

Mr. C. W. Carlstrom, applicant, testified that, in his opinion, the rates of the existing certificated carriers were too high; however, the record shows that Triangle Transfer and Storage Company has maintained a lower schedule of rates than either Bekins or Argonne and Mr. Ellis Brown testified that he has been unable to earn operating expenses. Mr. Carlstrom also testified that, other than rates, the service of the existing carriers was adequate.

After carefully considering all of the evidence in this proceeding, we are of the opinion that public convenience and necessity do not justify the operation of motor truck service for the transportation of secondhand household goods, etc., between Los Angeles and San Diego and intermediate points, as proposed by applicant.

Keystone Express System withdrew its protest, with the understanding that the applications were limited to the transportation of secondhand household goods, etc., except that of Triangle

Transfer and Storage Company, which included new, as well as secondhand, office furniture, etc.

O R D E R

The above entitled applications having been filed with this Commission, public hearings having been held, the matters having been duly submitted and the Commission being fully advised of the facts; therefore,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation, for compensation, as a common carrier, of an automotive truck service for the transportation of new and secondhand (used) crated or uncrated, office, store and house furniture, showcases, household goods, pianos, musical instruments, trunks, baggage and personal effects (as a part of and in connection with household goods), by Ellis Brown and P. M. Follensbee, doing business under the fictitious name of Triangle Transfer and Storage Company, between Los Angeles and Serra and intermediate points, as an alternate route and as part of the operative right between Los Angeles and San Diego, granted to said applicants by this Commission's Decision No. 15085, dated June 22nd, 1925, over and along the following route:

Alternate Route -

Leaving Los Angeles Terminal, 1335 South Figueroa Street, thence south on Figueroa Street to Washington Street, east on Washington Street to Alameda Street, south on Alameda Street to Main Street in Compton, east on Main Street to Long Beach Boulevard, south on Long Beach Boulevard to American Avenue in Long Beach, south on American Avenue to Anaheim Street, thence east on Anaheim Street to Coast or Roosevelt Highway through Seal Beach, Huntington Beach, Balboa, Laguna Beach to Serra, thence via present route to San Diego.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FURTHER DECLARES that public convenience and necessity require the

establishment and operation, for compensation as a common carrier, of an automotive truck service for the transportation of second-hand (used) office furniture and equipment, house furniture, household goods, pianos, musical instruments and trunks and personal effects (as a part of and in connection with household goods and excluding sample cases, commercial trunks or baggage), by Bekins Van Lines, Inc., between Los Angeles and Serra and intermediate points, as an alternate route and as a part of the operative right between Los Angeles and San Diego, granted to said applicant by this Commission's Decision No. 16456, dated April 10th, 1926, over and along the following route:

Leaving Los Angeles Terminal, 1335 South Figueroa Street, thence south on Figueroa Street to Washington Street, east on Washington Street to Alameda Street, south on Alameda Street to Main Street in Compton, east on Main Street to Long Beach Boulevard, south on Long Beach Boulevard to American Avenue in Long Beach, south on American Avenue to Anaheim Street, thence east on Anaheim Street to Coast or Roosevelt Highway through Seal Beach, Huntington Beach, Balboa, Laguna Beach to Serra, thence via present route to San Diego.

IT IS HEREBY ORDERED that the certificates of public convenience and necessity granted to Ellis Brown and P. M. Follensbee (Triangle Transfer and Storage Company), and to Bekins Van Lines, Inc., as granted by this Commission's Decision No. 15085, dated June 22nd, 1925, and Decision No. 16456, dated April 10th, 1926, respectively, be and the same are hereby amended in conformity with the foregoing declarations and not otherwise, subject to the following conditions:

- (1) Applicants shall file their written acceptance of the amendments to the certificates herein granted within a period of not to exceed fifteen (15) days from date hereof.
- (2) Applicants shall file, in triplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than ten days' notice to the Commission and the public, a tariff or tariffs constructed in accordance with the requirements of the Commission's

General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in the exhibit attached to the application and as amended, in so far as they conform to the certificate herein granted, or rates satisfactory to the Railroad Commission.

- (3) Applicants shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than five days' notice to the Commission and the public, time schedules covering the service herein authorized in a form satisfactory to the Railroad Commission.
- (4) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred or assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
- (5) No vehicle may be operated by applicants herein unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

THE RAILROAD COMMISSION HEREBY FURTHER DECLARES that public convenience and necessity do not require the operation by William L. and Jessie Carpenter, doing business under the fictitious name of Argonne Van Lines, Inc., of an automotive truck service for the transportation of secondhand household goods, etc., between Los Angeles and Serra via Long Beach, Huntington Beach, Newport Beach and Balboa and intermediate points; and

IT IS HEREBY FURTHER ORDERED that Supplemental Application No. 18633 be and the same is hereby denied.

THE RAILROAD COMMISSION HEREBY FURTHER DECLARES that public convenience and necessity do not require the operation by Lyon Van Lines, Inc. or by C. W. Carlstrom, doing business under the fictitious name and style of Ace Van and Storage, of automotive truck lines for the transportation of secondhand household goods, etc., between Los Angeles and San Diego and intermediate points; and

IT IS HEREBY ORDERED that Applications Nos. 19697 and 19762 be and the same are hereby denied.

For all other purposes, the effective date of this Order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 29th day of April, 1935.

Jean A. Williams

M. A. Lee

M. B. Lewis

M. A. Thompson

Paul R. Smith

Commissioners.