

ORIGINAL

Decision No. 20225

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of THOMAS W. GILBOY, doing business under the name and style of GILBOY COMPANY, for certificate of public convenience and necessity authorizing transportation by auto truck over the public highways of the State of motion picture films, theatrical advertising matter, and motion picture theater supplies, between San Francisco and various points.

Application No. 19890.

Gwyn H. Baker, for Applicant.

A. L. Whittle, for Southern Pacific Railroad and Pacific Motor Transport Company, Protestants.

W. J. Hanrahan, for The Atchison, Topeka & Santa Fe Railway, Protestant.

Edward Stern, for Railway Express Agency, Inc. Protestant.

WARE, Commissioner:

O P I N I O N

Applicant, Thomas W. Gilboy, seeks a certificate of public convenience and necessity for the transportation by automotive vehicles of motion picture films, theatrical advertising matter and motion picture supplies between San Francisco and East Bay cities, Santa Rosa, Redding, Sacramento, Jackson, Placerville, Delano and Monterey and certain intermediate points, nine routes as set forth in Exhibit "B" attached to the application. By amendment filed during the progress of the hearings applicant added Healdsburg as a terminal (in place of Santa Rosa) on his route No. 3.

Public hearings were conducted at San Francisco and the matter was duly submitted for decision August 23, 1935.

Applicant Gilboy has been engaged for 16 years in the transportation of the commodities above specified from San Francisco to

various cities in northern and central California. He has an investment of about \$50,000. in automotive equipment and a San Francisco terminal; he operates eighteen trucks, specially built and insulated for complete fire protection in the transportation of films. He testified that he transports 99 per cent of all films distributed from San Francisco to 95 per cent of all theaters at the points he serves.

That his service is abundantly adequate and efficient was the testimony of James Chapman, Manager of Fox West Coast Theaters, Barney Rose, San Francisco branch manager for Universal Film Exchanges, and Morgan A. Walsh who, with his partner George N. Mann, operates twenty-one independent theaters at various points served by Gilboy and at other points to which Gilboy forwards films by other carriers. The testimony of these witnesses indicates that the services performed by Gilboy are so adjusted to the exhibition hours and the transfer of films between houses, that it is practically indispensable to all.

Protestants herein withdrew all protest as to the transportation of films, advertising matter and projection parts and accessories but made serious opposition to the inclusion of "janitor's supplies" as proposed in the amended application by enlargement of rule No. 3. This classification includes brooms, brushes, cleaning, polishing and sweeping compounds, paper cups, deodorants and disinfectants, cup, soap, towel and paper dispensers, mops and holders, soap, sprays and spraying machinery, paper towels, and vacuum cleaners and parts. The objection of protestants was that adequate service already exists for the transportation of the commodities just listed; and that such "janitor's supplies" are distinctively separable from the motion picture supplies above enumerated. Protestants further objected that the rate proposed by applicant (a weekly charge based on the number of "services") is incapable of meeting competition of other carriers whose rate for the commodities is separate.

They also urge that the transportation of "janitor's supplies" is a gratuity when it is made to a customer of films and their accessories.

Subsequent to submission applicant withdrew his request to include "janitor's supplies" and consented to an order covering only films and accessories. This eliminates all disputed matters.

The record fully justifies the certificate sought by Gilboy for the transportation of films and film advertising and projection machinery and parts.

O R D E R

Thomas W. Gilboy, having made application for a certificate of public convenience and necessity for the transportation of motion picture films, theatrical advertising matter and motion picture supplies, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation of such service only for the transportation of motion picture films and advertising matter, artists' materials, display cards in crates, electric lighting effects including globes, bulbs and reflectors, film accessories consisting of projection machinery and parts, tickets in rolls, and ticket choppers; said articles, either singly or by combination in one "service" to be limited to a weight of 100 pounds, and for no other commodities, over and along the following routes, including termini and all intermediate points:

ROUTE NO. 1 "LOCAL": San Francisco, Oakland, Emeryville, Berkeley, Albany, Piedmont, Alameda, San Leandro, Hayward.

ROUTE NO. 2 "SACRAMENTO": San Francisco, Richmond, Pinole, Rodeo, Crockett, Vallejo, Fairfield, Suisun, Vacaville, Dixon, Davis, Woodland, Arbuckle, Williams, Colusa, Lincoln, Auburn, Roseville, North Sacramento, Sacramento.

Sacramento, Walnut Grove, Isleton, Rio Vista, Antioch, Pittsburg, Port Chicago, Martinez.

ROUTE NO. 3 "SANTA ROSA": Vallejo, Benicia, Petaluma, Santa Rosa, Sebastopol, Healdsburg, Calistoga, St. Helena, Napa.

ROUTE NO. 4 "REDDING": Redding, Red Bluff, Corning, Orland, Willows, Chico, Croville, Gridley, Marysville.

ROUTE NO. 5 "STOCKTON": San Francisco, Oakland, Walnut Creek, Concord, Pittsburg, Antioch, Stockton, Lodi, Galt, Sacramento. Sacramento, Davis, Dixon, Fairfield, Suisun, Vallejo, Crockett, Rodeo, Pinole, Richmond, San Francisco.

ROUTE NO. 6 "FRESNO": San Francisco, Mount Eden, Pleasanton, Livermore, Tracy, Patterson, Newman, Gustine, Los Banos, Dos Palos, Firebaugh, Fresno.

Fresno, Madera, Chowchilla, Merced, Livingston, Turlock, Modesto, Oakdale, Manteca, Tracy, San Francisco.

ROUTE NO. 7 "PORTERVILLE": Fresno, Selma, Hanford, Lemoore, Visalia, Tulare, Delano.

Delano, Porterville, Lindsay, Exeter, Dinuba, Reedley, Sanger, Fresno.

ROUTE NO. 8 "PENINSULA": San Francisco, San Bruno, Burlingame, San Mateo, Redwood City, Palo Alto, Mountain View, Sunnyvale, Santa Clara, San Jose, Los Gatos, Santa Cruz, Watsonville, Monterey, Pacific Grove, Carmel.

Carmel, Salinas, Hollister, Gilroy, Morgan Hill, San Jose, San Francisco.

ROUTE NO. 9 "PLACERVILLE": Stockton, Jackson, Placerville, Sacramento,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same hereby is granted to Thomas W. Gilboy, subject to the following conditions:

1. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.

2. Applicant 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 in so far as they conform to the certificate herein granted, or rates satisfactory to the Railroad Commission.

3. Applicant 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 nor 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 applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

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

IT IS HEREBY FURTHER ORDERED that in all other respects, except as herein specifically granted, said application, as amended, be and the same hereby is denied.

Dated at San Francisco, California, this 19th day of September, 1935.

Jean A. L. L. L.

W. H. L.

M. B. L.

W. L. L.

J. L. L.

Commissioners.