

Decision No. 28222

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
GREGORY G. PANOPULOS for certificate  
of public convenience and necessity  
to continue operating as a common  
carrier the automotive truck service  
now being operated by him as a private  
contract carrier between Los Angeles,  
Montebello, El Monte, Baldwin Park,  
Monterey Park, Whittier, Pico, Downey,  
Compton, Lynwood and intermediate  
points.

ORIGINAL

Application No. 19951.

C. J. Weisbrod for applicant.

Hugh Gordon for California Milk Transport, Inc.,  
protestant.

Richard T. Eddy for Sun Transport Company, protestant.

Phil Jacobson for Dairy Delivery Service, protestant.

DEVLIN, COMMISSIONER:

OPINION ON REHEARING

By Decision No. 28186 on the above numbered application of Gregory G. Panopulos, the Railroad Commission granted to applicant a certificate for the transportation of milk, cream, etc. over certain routes east and southeast of Los Angeles and terminating at the plant of Associated Dairies only in Los Angeles.

Subsequent to the effective date of this order, California Milk Transport, Inc. filed its petition for rehearing alleging among other matters that the grant, in so far as it affected territory already served by California Milk Transport, Inc., was not supported by the record. Re-examination of the record indicated that the grant in this respect was questionable and the petition for rehearing was granted.

Public hearing on petition for rehearing was held at Los Angeles and the matter was submitted without briefs. At that time all the parties to the original proceeding appeared and participated in the rehearing in so far as it affected existing services. The petitioner for rehearing presented considerable testimony in reference to the general character of milk transportation and the desirability on the part of creameries to have the movements conducted with as few operators as possible. It is my opinion that the only substantial showing made in this respect was in reference to the exclusion of territory served by California Milk Transport, Inc. At the conclusion of the hearing this petitioner for rehearing waived all of its petition except that portion relating to the routing of the service which affected petitioner's operative rights.

The record fully justifies an amendment of the certificate of applicant and the exclusion generally of that portion of the routing and area originally granted him south of the Pacific Electric tracks. The testimony at the original hearing affected only one shipper, with the possibility of a second, and no additional testimony was presented by applicant on rehearing.

Applicant called attention to a manifest error in the order attached to Decision No. 28186, which error should be corrected. The order granted "automotive truck service for the transportation of milk in 10 gallon cans, or bottled cream in cases." The word "milk" should apply to each class of container.

Petitioner and others criticised the decision for a lateral route for pick-up and delivery 3 miles on either side of the route provided. It does not appear affirmatively that such privilege, exclusively for the transportation of milk and cream, is inconsistent with the practice of the Commission in the past in giving wide latitude to such carriers in rural territory. As applicant is limited to one point of destination - a creamery - in the City of Los Angeles,

he must have reasonable latitude to reach the producers from whom the creamery buys its milk. Frequently, greater lateral right has been provided for carriers in less populated areas.

Applicant Panopulos testified that he possesses an exclusive contract with Associated Dairies and its sole proprietor, Anthony Aroney. Applicant was directed to file with this Commission for its inspection a copy of this contract. This has been done. The contract, in so far as it relates to the exclusiveness of service by applicant for this dairy, does not appear repugnant to the certificate granted herein. The contract, executed September 3, 1935, subsequent to the promulgation of Decision No. 28186, is for a period of 3 years at rates fixed by the Commission in its order and subject to fluctuation in rates "to conform to the Railroad Commission rates." Of course, in view of the amended order as provided herein, this contract now can apply only to the revised routing.

The following form of order is proposed:

ORDER ON REHEARING

California Milk Transport, Inc., a corporation, having filed its petition for rehearing of our Decision No. 28186, in the above entitled matter, which petition was duly granted, and a public rehearing having been held and the matter having been duly submitted, and good cause appearing,

IT IS HEREBY ORDERED that the second paragraph of the order appended to said Decision No. 28186 be and it hereby is amended to read as follows:

"THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment of automotive truck service for the transportation of milk in ten-gallon cans, and for bottled milk in cases, between Baldwin Park, El Monte, Montebello, Pico, Monterey Park and Los Angeles, over and along the following routes and three (3)

"miles laterally on each side thereof:

(a) Beginning at a point on the Westerly side of Hemlock St. South of E. Ninth St. in the City of Los Angeles; thence North to E. Ninth St.; East on E. Ninth St. to Atlantic Blvd; North on Atlantic Blvd. to Garvey Road (Monterey Park); East on Garvey Road to Rosemead Ave; North on Rosemead Ave; to Ramona Blvd; East on Ramona Blvd. to Baldwin Ave; (Baldwin Park); North on Baldwin Ave. to Bossie Ave. (El Monte); East on Bossie Ave. to Shirley Ave; North on Shirley Ave. to Gideey St; West on Gideey St. to Rowland Ave; North on Rowland Ave. to Lower Azusa Drive; East on Lower Azusa Drive to Persimmon St; North on Persimmon St. to Grand Ave; East on Grand Ave., thence back; West to Persimmon St; East on Lower Azusa Drive to Tyler Ave; South on Tyler Ave. to Valley Blvd; East on Valley Blvd. to Covina Blvd. (Covina); North on Covina Blvd. to Garvey Road; West on Garvey Road to Lexington Road (El Monte); South on Lexington Road to Tyler Ave; Back on Tyler to Lexington Road; South on Lexington Road to Durfee Road; West on Durfee Road to Syphon Road; cross San Gabriel Blvd. to Lincoln Blvd. (Montebello); Southwest on Lincoln Blvd. to Poplar; South on Poplar to Beverly Blvd; West on Beverly Blvd. to Maple Ave; South on Maple Ave. to Date St; West on Date St. to Vail Ave; North on Vail Ave. to East Ninth St. West on East Ninth St. to Hemlock St; and thence South on Hemlock St. to the beginning at the creameries. (Los Angeles).

(b) Beginning at Telegraph Road and Pacific Electric Railway tracks serving Whittier-La Habra, thence via Greenwood Road to a junction with Route (a) and thence via Ninth Street to Los Angeles."

IT IS HEREBY FURTHER ORDERED THAT Condition No. 1 of said Decision No. 28186 be amended by striking therefrom the words "945 Hemlock Street" and inserting in lieu thereof the words "917 Hemlock Street."

IT IS HEREBY FURTHER ORDERED that, except as herein specifically amended or altered, said Decision No. 28186 is affirmed.

The foregoing Opinion and Order on Rehearing are hereby approved and ordered filed as the Opinion and Order on Rehearing of

the Railroad Commission of the State of California.

Dated at San Francisco, California, this 12<sup>th</sup> day  
of November, 1935.

Leon C. White

W. A. Cunn

W. A. Cunn

Frank R. Cunn

Commissioners.