

Decision No. 28343

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
ALFRED GONZALES & SONS, co-partnership,
for a certificate of public convenience and necessity to operate transportation service, as a common carrier between the Town of Winters, Yolo County, and the City and County of San Francisco, California.

ORIGINAL

Application
No. 20069.

R. F. Hunnewell for Applicant
H. W. Hobbs for Southern Pacific Company and
Pacific Motor Transport Company, Protestants.
H. W. Hobbs and C. A. Velsir for Railway
Express Agency, Inc., Protestant
Reginald L. Vaughan for Sale and Ruggles
(Winters Dray Line), Protestants.

BY THE COMMISSION:

O P I N I O N

Applicant is a co-partnership composed of Alfred Gonzales and his two sons, Alexander and John. They are ranchers in the area south of Putah Creek (adjacent to Winters) and have for many years transported fresh fruits and vegetables from the area along the Fairfield-Vallejo road to San Francisco, Oakland and other points. In the instant application they ask a certificate declaring that the business is necessary for the transportation of such commodities from ranches along the Pleasant Valley highway and two miles laterally west thereof, between Putah Creek and the Fairfield-Vallejo highway.

A public hearing was conducted at Winters by Examiner Williams.

The application was clarified by certain amendments at the hearing and this action resulted in the withdrawal of protests by Southern Pacific Company, Pacific Motor Transport Company and Railway Express Agency, Inc.

Alexander Gonzales named 24 producers for whom the partnership had hauled since 1930 in seasons (May 31 to Sept. 1 of each year). Two trucks were used. No service was rendered in 1934, but was resumed during the season of 1935. While Gonzales named 24 producers he admitted many did not ship by him in 1935 and others shipped only partial loads.

R. W. Thurber was a shipper witness produced by applicant. He testified that he divided his shipments giving applicants a share to "help them out" and to preserve competition. He also shipped by protestant Winters Dray Line. Both services, he testified, are adequate and satisfactory. There was a difference in rates, however; applicant charging \$12 a ton while protestant Winters Dray Line's rate was \$15 a ton. R. M. Pleasants, a rancher called by applicant, testified he used only Winters Dray Line in the past seven years and that its rates and service are satisfactory.

H. R. Brinck and L. A. Sackett, ranchers, testified Winters Dray Line service is adequate, its rates and service satisfactory and that no need exists for another carrier. It was stipulated that T. D. Parker, George Anamoto and Fred Wren would testify the same in substance.

W. A. Sale, co-partner of J. R. Ruggles in ownership of Winters Dray Line, testified that their business is conducted

with seven trucks and two trailers and the applicant, at the rates formerly charged and proposed in the application, had and would divert \$2000 or more of revenue from the co-partnership, which serves not only the area sought by applicant, but a very large area elsewhere around winters, under certificate from this Commission.

The record presented does not contain affirmative proof that public convenience and necessity require the service proposed by applicant. The application, therefore, must be denied.

O R D E R

A. Gonzales & Sons, a co-partnership, having made application for a certificate of public convenience and necessity to establish automotive service for the transportation of fresh fruits and vegetables between winters and San Francisco and Oakland, a public hearing having been held and the matter having been duly submitted,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity do not require the service as proposed herein, and

IT IS HEREBY ORDERED that the application be and the same hereby is 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 12th day of November, 1935.

Leon A. Whelan
M. J. Linn

Walter H. Brown
Frank R. Nelson
COMMISSIONERS.