

Decision No. 31617

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of GREGORY G. PANOPULOS for a 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.

Supplemental
Application No. 19951

ORIGINAL

W. R. WILLIAMS and C. G. WEISEROD, for Applicant

C. C. STRATON, for California Milk Transport, Inc.,
Protestant.

M. C. SCERAEGER, for Sun Transport Company, Protestant.

BY THE COMMISSION:

O P I N I O N

Gregory G. Panopulos, the applicant herein, now holds a certificate for the transportation of fresh milk as a highway common-carrier between Baldwin Park, El Monte, Montebello and other points and Los Angeles, over and along a prescribed route with a three mile lateral right. The certificate, as amended, is so restricted that delivery of milk may be made to but one point within the city of Los Angeles, viz: 917 Hemlock Street which is the address of the Associated Dairies Creamery.

In this proceeding applicant requests an enlargement of his present operative right which will authorize the establishment of service to and from any or all creameries located in the city of Los Angeles.

A public hearing thereon was held before Examiner Paul at Los Angeles on October 13 at which time the matter was submitted and is now ready for decision.

Six public witnesses testified on behalf of applicant, four of whom testified that they have no need for the proposed extended service. One witness, Joe Valdez, testified that he has

recently established a dairy near the town of Norwalk in the pickup territory now served by applicant but desired to have his milk delivered to the Knudsen Creamery, located at 19th and Santa Fe Avenue in Los Angeles. Valdez formerly used the service of Sun Transport Company which he testified had been unsatisfactory. (1)

Miss De Jong testified that she desires to use the services of applicant for delivery to the Challenge Creamery at Los Angeles. She formerly used the services of Sun Transport Company which she said had proved unsatisfactory because of late arrival of its trucks for pickup. She is now using the service of Dairy Delivery Company, which company made no appearance at the hearing although notified. The Commission's records do not show that Dairy Delivery Company has ever been certificated to serve the location of Miss De Jong's dairy.

The applicant testified that he had received requests from five shippers for service to creameries in Los Angeles other than the one to which he is now authorized to give service. The dairies of two of these shippers are located near Garvey Avenue, the locations of the other three were not established. (2)

California Milk Transport, Inc. and Sun Transport Company each objected to the authorization of the extension requested by applicant. These protestants took the position that they provide ample and adequate service between the territory served by applicant and all points within Los Angeles.

1. The Commission by Decision No. 31343, dated October 10, 1938, in Case No. 4291, found that Sun Transport Company, et al, were operating unlawfully between Los Angeles, Compton, Buena Park, Stanton and Chino and intermediate points and ordered a cessation of such unlawful operations. Norwalk appears to be intermediate to Los Angeles and Buena Park.

2. The Commission by Decision No. 31454, dated November 10, 1938, on Application No. 22120 authorized California Milk Transport, Inc. to acquire all operative rights of Sun Transport Company.

The showing made by applicant was unimpressive and will not support a finding that public convenience and necessity require the establishment of the extension sought. No showing was made that the service now provided by the carriers in the field is insufficient or inadequate. The record impels the conclusion that the authority requested is based chiefly upon applicant's desire to extend his operations. The application will be denied.

O R D E R

A public hearing having been held, the matter having been duly submitted and the Commission being fully advised therein,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity do not require the establishment and operation of the extended service proposed by applicant, and

IT IS ORDERED that the supplemental application herein is hereby denied.

Dated at San Francisco, California, this 3rd day of

January, 1939.

R. B. ...
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COMMISSIONERS