

Decision No. 38809

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
Thomas W. Gilboy and Edward Hunter,  
co-partners, doing business under  
the name and style of "Gilboy Company  
of Los Angeles," for a certificate  
of public convenience and necessity  
to extend its present operations to  
include certain areas contiguous to  
Los Angeles.

ORIGINAL

) Application No. 27089

GWYN H. BAKER, for applicant; JOHN E.  
HUNT, for B & W Film Delivery, and  
F. W. TURCOTTE, for C. N. Herington,  
dba Herington Delivery, Protestants;  
and BENJAMIN CHAPMAN, for Office of  
Price Administration, Interested  
Party.

HULS, COMMISSIONER

O P I N I O N

Thomas W. Gilboy and Edward Hunter, a co-partnership,  
doing business as Gilboy Company of Los Angeles, request a  
certificate of public convenience and necessity under Section  
50 3/4 of the Public Utilities Act, to operate as a highway  
common carrier for the transportation of motion picture films  
and motion picture theatre supplies between Los Angeles and  
three areas contiguous thereto and offers to dedicate their  
service to the shipping public.

A public hearing on this application was held at Los  
Angeles on February 21, 1946, at which time the matter was  
submitted and is now ready for decision.

Applicants amended the application at the hearing so  
as to exclude any part of the cities of Alhambra and Monterey  
Park from the offer of service and as a result thereof B & W  
Film Delivery withdrew its protest.

The application was also amended to exclude West Hollywood <sup>(1)</sup> if it were determined that applicants possessed a certificate to serve all of said area and Doheny Ranch.

Applicants are now operating as a highway common carrier for the transportation of motion picture films and theatre accessories in the metropolitan area of Los Angeles and the West Coast Beach area under certificates of public convenience and necessity acquired on February 8, 1944, by Decision No. 36854, from G.F.D. Lines, Inc. and Albert L. Webb. Applicants also render film delivery service in the City of Los Angeles under a City Carrier's permit:

The application alleges that, through inadvertence and excusable neglect, applicants have been serving the theatres in the areas involved in this proceeding at the charges and on the time schedules proposed herein since it took over the city business from its predecessors; that the boundary lines of the City of Los Angeles are very irregular and the service performed to points outside the city was not done with any intention of evading or violating the provisions of the Public Utilities Act but was done, under the belief, either that it was covered by the certificate or was being performed within the City of Los Angeles; that as soon as applicants discovered these facts, the instant application was filed and that the proposed service is necessary inasmuch as no other highway common carrier has a right to render this special and personalized service.

Two theatre owners, representing eight theatres in the areas proposed to be served, testified as to the need of a special and personalized service for the movement of motion picture films and accessories similar to that proposed by applicants and that they would continue to use the service of

(1) The Commission's records do not indicate that applicants now have authority to serve all of the so-called West Hollywood territory.

applicants.

The record is convincing that applicants operated in the territories proposed to be served inadvertently and with no intention to evade the law, and as soon as it was realized that the operations being conducted required certification an application for such certificate was immediately filed.

Applicants propose to use any and all streets and highways available to serve points in the areas in order to avoid traffic congestion as is now done in the rendition of transportation service within the City of Los Angeles and in most instances the movement to and from theatres in the areas will be merely an extension of the service within the City of Los Angeles.

Mr. Edward Hunter, a partner of Gilboy Company of Los Angeles, testified that he was not desirous of taking any business away from any other carrier and would not attempt to do if the certificate were granted.

In territory "C" is located one theatre, namely the Balboa at First Street and Ford Avenue, which is being served by C. N. Herington and it was suggested by counsel for Herington that if the easterly boundary of Territory "C" was revised so as to exclude the area in which the above theatre was located and in which excluded area applicants are not serving any theatres, protest would be withdrawn. It appears that this request is reasonable inasmuch as applicants did not make any showing as to a need for service in the area suggested for exclusion.

Applicants propose to extend the rates contained in their Tariff No.1, C.R.C. No.1, to the areas proposed to be served and to include in said tariff a rate of \$1.00 for "Tag Breakers", \$3.00 for "Replacement Print," \$3.00 for "Night

Shipment" and \$1.00 for "Circuit."

Counsel declared that the present tariff contains many infirmities and probable long and short haul violations which he is now endeavoring to have corrected. The order herein will provide for the filing of a tariff satisfactory to the Commission and before such filing is made applicants will be expected to eliminate all objectionable features.

After carefully considering all of the evidence in this proceeding it is hereby concluded that public convenience and necessity require the operation by applicants of motor truck service as a highway common carrier between Los Angeles on the one hand and three contiguous territories to be hereinafter defined on the other hand.

O R D E R

Application having been made as above entitled; a public hearing having been held; and it having been found that public convenience and necessity so require,

IT IS HEREBY ORDERED AS FOLLOWS:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Thomas W. Gilboy and Edward Hunter, a co-partnership doing business as Gilboy Company of Los Angeles, authorizing the establishment and operation of service as a highway common carrier, as defined by Section 2 3/4, Public Utilities Act, for the transportation of motion picture films, theatre supplies and accessories, between Los Angeles and all points in the following described areas:

AREA "A".-- Beginning at intersection of the South Vermont Avenue and the city limits of the City of Los Angeles immediately south of Manchester Avenue, thence westerly along said city limits to approximately Normandie Avenue; thence southerly along the city limits of the City of Los Angeles to its intersection with South Western Avenue; thence southerly along Western Avenue to Imperial Highway; thence easterly along Imperial Highway to the city limits of Los Angeles at Vermont Avenue; thence along said city limits to the point of beginning.

AREA "B".-- Beginning at the intersection of North La Brea Avenue and the Los Angeles city limits; thence westerly and northerly along said city limits to North Doheny Drive; thence southerly along North Doheny Drive (Beverly Hills city limits) to Los Angeles city limits near Beverly Boulevard; thence easterly and northerly along Los Angeles city limits to point of beginning at La Brea Avenue.

AREA "C" - Beginning at the intersection of Ramona Boulevard and city limits of Los Angeles at Indiana Avenue; thence southerly along said city limits to Washington Boulevard; thence along Washington Boulevard to Atlantic Boulevard; thence northeasterly along Atlantic Boulevard to Anaheim-Telegraph Road; thence northwesterly along Anaheim-Telegraph Road to Kern Avenue; thence northerly along Kern Avenue to Hubbard Street to Ford Boulevard; thence northerly on Ford Boulevard to Third Street; thence westerly on Third Street to Eastern Avenue; thence northerly on Eastern Avenue to Ramona Boulevard and thence westerly along Ramona Boulevard to point of beginning.

(2) That in providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations:

(a) Applicants shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days from the effective date hereof.

(b) Applicants shall comply with the provisions of General Order No. 80 and Part IV of General Order 93-A by filing, in triplicate, and concurrently making effective appropriate tariffs and time schedules within 60 days from the effective date hereof and on not less than 5 days' notice to the Commission and the public.

(c) Subject to the authority of this Commission to change or modify it by further order, applicants shall conduct operations pursuant to the certificate herein granted, over and along all streets and highways available to public travel in the above described areas.

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

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 2<sup>nd</sup> day of April, 1946.

Harold Rudman  
Justin F. Coe  
Arthur D. Day  
Samuel H. Paul  
Harold H. Kula  
COMMISSIONERS