

ORIGINAL

Decision No. 45421

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 BENJAMIN S. GOLDBERG and W. EARL )  
 GOLDBERG, copartners doing business )  
 as FILM TRANSPORT CO. OF CALIFORNIA, )  
 for a certificate authorizing the )  
 applicants to transport candy, popcorn, ) Application No. 31950  
 seasoning, syrups, popcorn bags, and )  
 confections between points and places )  
 applicants are presently authorized to )  
 serve pursuant to certificate of public )  
 convenience and necessity in Decision )  
 No. 43160. )

Glanz & Russell, by Theodore W. Russell, for applicant.  
Don Murchison for Pacific Freight Lines and Pacific Freight Lines  
 Express; H. P. Merry and J. B. Robinson for Southern California  
 Freight Lines and Southern California Freight Forwarders; Wm. F.  
Brooks for The Atchison, Topeka & Santa Fe Railway Co. and  
 Santa Fe Transportation Co.; E. L. H. Bissinger for Southern  
 Pacific Company and Pacific Motor Trucking Co.; protestants.

O P I N I O N

By Decision No. 43160, on Application No. 30302, applicant was authorized to transport "motion picture films and film accessories, including only projecting machinery and parts therefor, advertising matter, electrical lighting effects, bulbs, advertising slides and tickets, and no other commodities, from the distributors thereof in Los Angeles to motion picture theatres located in certain described service territories in Southern California, and from said theatres to other theatres in such territories, and back to the distributors in Los Angeles" over and along six described routes.

By this application, as amended, authority is sought to transport candy, popcorn, popcorn bags, seasoning, syrups, and confections to the same motion picture theatres located in the same territories over and along the same routes and on the same vehicles used in the transportation of property as authorized in said Decision No. 43160.

A public hearing was held in Los Angeles on January 30, 1951, and the matter was submitted for decision.

The evidence shows that applicant has, for many years, rendered a transportation service to motion picture theatres throughout southern California. The distributors and suppliers of the merchandise herein proposed to be transported are also located along "film row" situated near the intersection of Vermont Avenue and Washington Boulevard. The record shows that, in recent years, the sale of candies and confections at movie houses has become an important source of revenue. Applicant's proposal is to pick up said merchandise from the suppliers and, at its terminal, transfer the various orders to other trucks for distribution along with the deliveries of motion picture lading. Applicant also requests that it be permitted to transport said commodities between theatres, and between warehouse facilities maintained by theatres, and theatres. It is not proposed to transport from distributors or suppliers to warehouses nor from warehouse to warehouse. The service will be restricted to motion picture theatres which applicant has a right to serve in the transportation of films and related property as authorized in its present certificate.

Several theatre owners and distributors and suppliers of candies and confections testified on behalf of applicant and their testimony clearly indicates a need for the proposed service.

Several carriers appeared as protestants but offered no evidence in opposition to the application.

Having considered the entire record, we are of the opinion and find that public convenience and necessity require that applicant establish a transportation service as proposed. The application will be granted.

O R D E R

A public hearing having been held upon this application, the Commission being fully advised in the premises and having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Benjamin S. Goldberg and W. Earl Goldberg, copartners doing business as Film Transport Co. of California, authorizing the establishment and operation of a service as a highway common carrier, as that term is defined in Section 2-3/4 of the Public Utilities Act, for the transportation of candy, popcorn, popcorn bags, seasonings, syrups, and confections, (a) between Los Angeles, on the one hand, and motion picture theatres located in the service territories in southern California as described in paragraph (1) of the Order in Decision No. 43160, on Application No. 30302, on the other hand; (b) between motion picture theatres in said service territories; and, (c) between storage and warehouse facilities maintained in said territories and theatres in said territories.

(2) That, in providing service pursuant to the certificate herein granted, the following regulations shall be complied with:

- (a) Within thirty (30) days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty (60) days after the effective date hereof, and upon not less than five (5) days' notice to the Commission and the public, applicant shall establish the service herein authorized and comply with the provisions of General Order No. 80 and Part IV of General Order No. 93-A, by filing, in triplicate, and concurrently making effective, tariffs and time schedules satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify such at any time by further order, applicant shall conduct operations pursuant to the certificate herein granted, over and along the six routes as described in paragraph (2) of said Decision No. 43160.

In traveling between any points within any of the said described service territories, applicant is authorized to operate over the most appropriate streets, highways, and roads.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 6<sup>th</sup> day of March, 1951.

R. J. Anderson  
Justus J. Caseman  
Harold P. Hale  
Fessenden H. H. H.  
Peter E. Mitchell  
COMMISSIONERS