

Decision No. 53118

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of CALIFORNIA MILK TRANSPORT, a)
copartnership, for cancellation of)
operative rights under decisions)
of the Public Utilities Commission.)

Application No. 37564

Charles C. Stratton for applicant.
Orville A. Schulenberg for Kings County
Truck Lines, interested party.
Reginald M. Farran for the Commission staff.

O P I N I O N

By application filed December 9, 1955 as amended March 10, 1956, Joseph Perumean, Charles C. Stratton, Isaac Shakarian, Joseph Bozoff, K. Antoyan, Tom Kardashian, S. Bozigian and L. C. Clifton request authority to abandon their highway common carrier rights to transport milk.

Public hearing was held in Long Beach on April 24, 1956 before Examiner Rowe. Evidence was adduced and the matter submitted for decision.

The partners acquired all the highway common carrier operative rights which had been held by California Milk Transport, Inc., by Decision No. 46218, dated September 25, 1951, in Application No. 32666. These rights gave applicants authority to transport milk between many points in Southern California. These operative rights contain no restrictions. However, when they were originally issued the method then prevalent was to transport milk in ten-gallon cans. Tariffs have been filed to so carry milk and no tariffs have been filed which contemplate the transportation of milk in bulk in tank trucks.

Applicants under a different partnership name have entered into contracts with most of the creameries in the Los Angeles area for the collection and transportation of the raw milk to their creameries for processing. Another such contract has been executed with an association of dairies. These contracts provide for the placing of milk from many dairies in a single large tank truck for the movement to the creameries. Only milk of the required grade and having a minimum bacterial count may safely be mixed with other milk. The contracts require the drivers to test such milk and to reject milk below the standard and transport it to other points for different treatment. Licensed weighers and samplers must act as drivers. Also the contract carrier must have available, without charge to the dairies, subsidiary dynamos and movable motors to milk the cows should the regular power supply fail.

During the last two years no offers have been made to applicants of milk for transportation under their tariffs. Last year the only revenue of the partners attributable to their common carrier operation resulted from rental of certain buildings and equipment.

All of applicants' customers were notified by the Commission of the hearing and of the proposed abandonment of operative rights. No one appeared in protest. It may be that applicants would violate Section 3542 of the Public Utilities Code if they continued the transportation of milk in bulk in tank trucks and also in ten-gallon cans under their tariff. This is an added reason for permitting applicants to entirely withdraw from all common carrier operations. Under the circumstances the Commission is of the opinion and finds that public convenience and necessity no longer require applicants to carry on their highway common carrier operations.

O R D E R

Application as above entitled having been filed, public hearing having been held, the Commission being fully advised in the

premises, and the matter being under submission,

IT IS ORDERED:

(1) That Joseph Perumean, Charles C. Stratton, Isaac Shakarian, Joseph Bozoff, K. Antoyan, Tom Kardashian, S. Bozigian and L. C. Clifton are authorized to abandon and discontinue their highway common carrier service between points in Los Angeles and Orange Counties acquired pursuant to Decision No. 46218, dated September 25, 1951, in Application No. 32666.

(2) That they shall cancel all rates, rules and regulations applying to said highway common carrier operations.

(3) That the highway common carrier operating rights conferred under authority of the certificates of public convenience and necessity acquired pursuant to said Decision No. 46218 are hereby revoked and rescinded.

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

Dated at San Francisco, California, this 22nd day of May, 1956.

[Signature]
 President

[Signature]

[Signature]

[Signature]
 Commissioners