

Decision No. 62452

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of KENNETH G. FITZGERALD (Santa  
Ynez Valley Freight Line) to  
surrender Certificate of Public  
Convenience and Necessity, and to  
discontinue service as a highway  
common carrier.

Application No. 43529  
(Filed June 22, 1961)

O P I N I O N

Kenneth G. Fitzgerald has been operating as a highway common carrier in the Santa Ynez Valley since 1936. The certificate of public convenience and necessity was granted to John L. Edelbrute by Decision No. 9151 dated June 24, 1921, and was acquired by applicant by Decision No. 29409 dated December 28, 1936, in Application No. 20912.

Applicant now requests authority to abandon service for the following reasons:

a. Applicant's business consisted principally of the transportation of fresh milk from the Santa Ynez Valley to Golden State Creamery at Santa Barbara, California. A smaller percentage of applicant's business consisted of the transportation of small packages and parcels between Santa Barbara and the Santa Ynez Valley. Golden State Creamery has ceased its operation in Santa Barbara and the processing plant has been moved to Los Angeles, California. Golden State Creamery has been acquired by Foremost Dairies and the new owner is operating its own trucking service for the transportation of milk. Applicant formerly hauled milk for the Santa Barbara Milk Producers' Association, which was an organization of

dairymen in the Santa Ynez Valley. The transfer of the processing plant from Santa Barbara to Los Angeles was made on or about March 1, 1961, and since that date all of the fresh milk produced by members of the Santa Barbara Milk Producers' Association has been transported in company owned vehicles by Foremost Dairies. As a result, the larger portion of applicant's business has been eliminated and applicant cannot operate at a reasonable profit.

b. When applicant originally commenced his operations as a highway common carrier, there was little or no competition in the territory he served. Such territory is now served by a number of carriers, including Solvang Freight Line, Pacific Motor Transport, Coast Line Express, Smith Transportation, and United Parcel Service, and applicant's services are no longer a necessity for the communities involved.

The Commission finds and concludes that public convenience and necessity no longer require applicant's service and that the proposed abandonment will not be adverse to the public interest and should be authorized. A public hearing is not necessary.

#### O R D E R

Application therefor having been filed and the Commission being fully informed in the premises,

IT IS ORDERED that:

1. The certificate of public convenience and necessity to operate as a highway common carrier acquired by Kenneth G. Fitzgerald by Decision No. 29409, dated December 28, 1936, in Application No. 20912, is hereby revoked.

2. Local Freight Tariff No. 2, Cal. P.U.C. No. 4, and Adoption Notice Cal. P.U.C. No. 5 issued by Santa Ynez Valley Freight Line are hereby canceled.

3. Frank K. Clifford, Agent, is hereby authorized and directed to cancel the participation of Kenneth G. Fitzgerald from his tariffs on file with this Commission, said cancellation to be made within ninety days after the effective date of this order, and on not less than five days' notice to the Commission and the public.

4. Powers of attorney of Kenneth G. Fitzgerald are hereby canceled.

The Secretary is directed to cause service of a certified copy of this order to be made upon Kenneth G. Fitzgerald or to mail a certified copy thereof to him at his last known address as shown in the Commission's records and to mail a copy of this order to Frank K. Clifford and Western Classification Committee.

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

Dated at San Francisco, California, this 22<sup>nd</sup> day of AUGUST, 1961.

Greene B. Boyd  
President  
W. J. [unclear]  
E. J. [unclear]  
George H. [unclear]  
Frederick B. [unclear]  
Commissioners