

Decision No. 28646

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of CALIFORNIA MERCHANTS TRANSPORTATION COMPANY, for an order authorizing permission or certificate of public convenience and necessity to operate a refrigerated service on perishable freight only as a common carrier between Los Angeles, California, and San Diego, California, and intermediate points.

) Application
) No. 18372

ORIGINAL

- Charles H. Schaeffer, for Applicant.
- E. J. Bischoff, for Coast Truck Line, Protestant.
- John M. Atkinson, W. K. Downey and C. C. Foster, for Motor Freight Terminal Company, Protestant.
- Rex W. Boston, for C. R. Jakeway, Protestant.
- Edward Stern and L. B. Bergman, for Railway Express Agency, Protestant.
- Robert F. Brennan and William F. Brooks, for The Atchison, Topeka & Santa Fe Railway Company, Protestant.
- Douglas Brookman, for California Motor Express, Limited, an interested party.
- H. W. Hobbs, for Southern Pacific Company, an interested party.

WHITSELL, Commissioner -

O P I N I O N

Charles F. Duessler, operating under the name and style of California Merchants Transportation Company, has made application for a certificate of public convenience and necessity to operate refrigerated automotive trucks for the transportation of perishable freight between Los Angeles and San Diego and certain intermediate points.

Public hearings were conducted at Los Angeles on September 29th and September 30, 1932, and the matter was duly submitted for decision.

Applicant is an experienced cold storage engineer, having had thirty years' experience in designing and engineering cold storage plants. He proposes to use in the contemplated service special refrigerated containers for the transportation of perishable freight. Applicant appears to have financial ability to provide and maintain the service he proposes. The record shows that the commodities which he seeks to transport have long been transported between termini by the existing rail and truck carriers with and without the use of refrigerated equipment. However, applicant contends that his service, contemplating the use of a special refrigerant, will be an improvement over the present service.

Aside from the testimony of applicant and A. A. Gould, traffic manager for a number of meat packers at Vernon, the record contains little in support of applicant's proposal. Certainly the showing here made is not sufficient to conclude that the existing services of the carriers operating under our jurisdiction are not adequate to efficiently handle the perishable commodities included in his schedule. While I appreciate that the equipment which applicant proposes to provide may be an improvement over the equipment of protestants, I am not satisfied that the record justifies the establishment of another service. The protesting carriers have not received any complaints as to the service now available. Moreover they have expressed a willingness to provide the service if public convenience and necessity ever demands it.

In my opinion the Commission should find that public convenience and necessity does not require the proposed service and that the application should be denied.

The following form of order is recommended:

O R D E R

Charles F. Duessler, operating under the fictitious name of California Merchants Transportation Company, having made application for a certificate of public convenience and necessity to establish refrigerated truck service as a common carrier for the transportation of perishables between Los Angeles and San Diego and other points, public hearings having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity do not require the service as proposed by applicant herein.

IT IS HEREBY ORDERED that the application be and it is hereby denied.

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 20th day of February, 1933.

C. C. Seaver
Leon Whidely
W. J. Carr
W. B. Harris
W. H. [Signature]
COMMISSIONERS.