

Decision No. 59070**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of NILAND FARMERS MARKET,
 doing business as NILAND FARMERS
 TRUCKING, INC., for a certificate of
 public convenience and necessity to
 operate a highway common carrier
 service between points in Imperial
 County, California, and Los Angeles,
 California.

Application No. 41156

Roberts Campbell & Ewing, by D. M. Campbell,
 for applicant.

O P I N I O N

By this application, Niland Farmers Market, a radial highway common carrier, doing business as Niland Farmers Trucking, Inc., requests a certificate of public convenience and necessity to operate as a highway common carrier in order to transport limited farm produce commodities between certain points in Imperial Valley and Los Angeles. A public hearing was held on this matter in El Centro on July 22, 1959 before Examiner James F. Mastoris, at which time evidence was presented by the applicant.

Justification for Authority Sought

The filing of this application was precipitated when field representatives of this Commission informed the applicant, following an investigation of its operations under its permitted authority, that it was operating during certain months of the year unlawfully in that it operated daily over a regular route between fixed points.

Evidence was produced in the form of shipper witnesses who declared that there is a public need in the Imperial Valley region for transportation as proposed by the applicant of certain commodities, such as tomatoes and squash packed in crates during the harvest

season. This season commences in November and usually ends in April or May. During the balance of the year there is slight, if any, use for this type of trucking service except for occasional hauls of limited commodities other than tomatoes and squash. The applicant alleges that the frequency of the proposed operations will be determined by the availability of produce for transportation. During the peak harvesting period this carrier expects to furnish daily, or more frequent, service from Imperial County tomato and squash growing areas to Los Angeles and, via through-route arrangements with other carriers, to San Francisco.

The precise nature of the proposed service at the points of origin consists of hauling produce from the fields or packing houses, primarily in the Niland-Calipatria area, to the carrier's loading dock at Niland where the freight is transferred to line-haul trucks for shipment to Los Angeles. In certain cases some of the applicant's trucks will proceed directly from the fields to Los Angeles, bypassing the loading dock.

Because of the nature and characteristics of the commodities involved, relatively small less-than-truckload shipments will be transported under this proposed service. The weight will range from 50 to 18,000 pounds with 10,000 pounds constituting an average haul during the harvest season. It is alleged that the grant of the certificate sought will meet and satisfy the transportation needs of small lot truck-farm growers who cannot at present obtain adequate service from existing carriers in this agricultural region. Moreover, it is claimed that the existing carriers are not interested in performing the type of produce hauling required by the small growers in

these rural farming areas. There was no protest to this application, nor did any person or organization appear as a protestant at the hearing.

Findings

Unfortunately, and despite the lack of protest, this application must be denied. Many disqualifying deficiencies in this proposal appear from a review of the record and it is not necessary to this decision to enumerate them all. The most glaring, and perhaps the most disabling, is that the applicant is not financially capable of meeting its proposed highway common carrier obligations. It has been losing money every year under its permitted trucking operations for the past ten years and there is slight, if any, prospect that its economic picture will change in the future. It doesn't expect to obtain new business if a certificate is granted nor does it anticipate that highway common carrier operations will be profitable. The granting of the certificate might further increase its present \$24,000 deficit. It would be manifestly unfair to potential growers to have them rely upon and assume that usual and customary highway common carrier service would be available from this carrier. Accordingly, the application must be denied.

Parenthetically, we should add that it may be that additional permitted authority combined with its present authorization may solve this carrier's dilemma. Since 1953 the number of its customers each season has been constant at 20 to 22 growers.

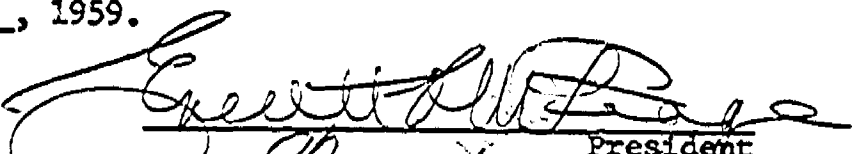
O R D E R


Public hearing having been held, the matter having been submitted, and the Commission being fully advised,


IT IS HEREBY ORDERED that Application No. 41156 is denied.

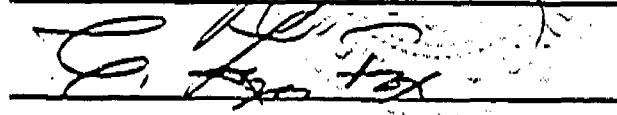
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 29th day of September, 1959.



President






Commissioners

Commissioner Theodore H. Jenner, being necessarily absent, did not participate in the disposition of this proceeding.