

ORIGINAL

Decision No. 67933

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 WESTERN AGRICULTURAL CO-OP, INC.,
 of City of Commerce, for a permit
 to operate as a Radial Highway Com-
 mon Carrier (Application No.19-57372-R)
 for the transportation of general
 commodities, California (File No.
 T-77,769).

)
)
) Application No. 46672
) Filed January 30, 1964
)
)

L. H. Patterson, for applicant.
Lawrence Q. Garcia, for the
 Commission staff.

O P I N I O N

This application requests the issuance of a radial high-
 way common carrier permit to authorize the transportation of general
 commodities with certain exceptions throughout the state.

Public hearing was held before Examiner Rowe in Los
 Angeles on August 5, 1964. Applicant requested a continuance to an
 unstated time for the reason that the lawyer it wished to employ was
 then engaged in a court trial and because it had turned its records
 over to the Interstate Commerce Commission, although notified of the
 date of this hearing.

Continuance was denied by the examiner because, although
 knowing for over two weeks that it would not be in a position to
 put on its evidence, applicant had delayed asking for a continuance
 until the hearing was called. Applicant thereupon indicated that it
 had no evidence to produce. The matter was accordingly submitted
 for decision.

The examiner's ruling was proper. The examiner and other staff members had traveled from San Francisco to Los Angeles for this hearing; their time and the attendant expense to the State could have been saved if applicant had made a request for continuance within a reasonable time prior to the hearing.

There being no evidence of record before it, the Commission finds and concludes that Application No. 46672 should be dismissed without prejudice.

O R D E R

IT IS ORDERED that Application No. 46672 is dismissed without prejudice.

This order shall become effective twenty days after the date hereof.

Dated at Los Angeles, California, this 30th day of SEPTEMBER, 1964.

Frederick B. Hallock
President

John J. Hill

George A. Grover

William L. Dean

Commissioners

Commissioner Everett C. McKeago, being necessarily absent, did not participate in the disposition of this proceeding.