

ORIGINAL

Decision No. 79193

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of: )  
 HILARION M. RUIZ, an individual, for )  
 authority to abandon his operations )  
 as a highway common carrier in the )  
 transportation of fruits and vege- )  
 tables and other related special )  
 commodities, between Indio and Thermal, )  
 on the one hand, and, Los Angeles and )  
 El Monte, on the other hand, pursuant )  
 to Section 1070 of the California )  
 Public Utilities Code. )

Application No. 52693  
(Filed June 16, 1971)

O P I N I O N

Applicant presently holds a certificate as a highway common carrier of fruits and vegetables issued by Decision No. 53650, in Application No. 36441. He is also authorized to transport property as a radial highway common carrier pursuant to a permit issued by this Commission.<sup>1/</sup>

Applicant asserts that his primary business is highly seasonal and migratory in nature, since it consists of the hauling of produce and the traffic depends on both growing area and season. Shippers frequently seek transportation which involves both certificated and permitted operations. Either split delivery or split pickup under such circumstances cause substantial rating complications and often require higher shipping charges to customers.

It is asserted that operations solely as a permitted carrier will be beneficial both to shippers and to the carrier, and that future operations will be those characteristic of a radial highway common carrier.

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<sup>1/</sup> File T-29,540

After consideration, the Commission finds that public convenience and necessity no longer require a continuation of applicant's certificated service. A public hearing is not necessary. It is concluded that the application should be granted.

O R D E R

IT IS ORDERED that:

1. On the effective date of this order, applicant may discontinue the service authorized in Decision No. 53650, in Application No. 36441, and the certificate of public convenience and necessity granted therein shall be cancelled.

2. Western Motor Tariff Bureau, Inc., Agent, is authorized and directed to cancel the participation of Hilarion M. Ruiz from its tariffs on file with the Commission, such cancellation to be made within ninety days after the effective date of this order on not less than ten days' notice to the Commission and the public.

The Secretary of the Commission is directed to mail a copy of this order to Western Motor Tariff Bureau, Inc., Agent.

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

Dated at San Francisco, California, this 28<sup>th</sup> day of SEPTEMBER, 1971.

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Chairman  
*William J. ...*  
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*...*  
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Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.