

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of A. C. Pyper doing business under the fictitious name of Pacific Highway Express for permission to establish the same freight rates as were authorized in application 11133 filed by the California Highway Express and Bekins Fireproof Storage for permission to readjust their freight rates between San Francisco and Los Angeles.

ORIGINAL

Application No. 12417

O P I N I O N

This is an application of Alex C. Pyper doing business under the fictitious name of Pacific Highway Express with its principal place of business at Los Angeles, California for permission to make the same adjustment in their freight rates as was authorized by the Commission in application No. 11133 filed under the provisions of Chapter 213 statute 1917 and rule 11 of the Commission's General Order No. 51 for authority to readjust freight rates at points between Los Angeles, Oakland, San Francisco and the intermediate points.

Application No. 11133, supra was a joint petition of Bekins Fireproof Storage, a copartnership and California Highway Express, a corporation. This application was disposed of after a public hearing under decision No. 15909 dated the 29th day of January, 1926 which authorized the applicants to establish freight rates, rules and regulations as set forth in Exhibit "A" and amended exhibits attached to and made a part of the application. The adjustment authorized resulted in some instances in increases in rates and in some instances, reductions, however, the reductions were prevalent.

Now comes Alex C. Pyper the applicant alleging that in

decision No. 10063 February 8, 1922 a restricted motor freight operative right as common carrier between Los Angeles, Oakland, San Francisco and Berkeley and some intermediate points was granted E. H. Shull and under the same decision the California Highway Express, a corporation, was granted a restricted motor freight operative right as common carrier between Los Angeles, Oakland and San Francisco and certain intermediate points. The Commission, in disposing of the applications of E. H. Shull and the California Highway Express, authorized the establishment of equal rates which rates have been maintained on a parity by both common carriers.

Applicant further alleges that in decision No. 13679 decided by this Commission June 11, 1924, E. H. Shull then doing business under the fictitious name of the Pacific Highway Express was permitted to transfer the operative rights granted under decision No. 10063, supra to Alex C. Pyper, said Pyper then continued the operation under the fictitious name of the Pacific Highway Express.

Upon consideration of all the facts of record, we are of the opinion and so find that a public hearing is not necessary and that the applicant, Alex C. Pyper doing business under the fictitious name of the Pacific Highway Express should be authorized to adjust his freight rates to the basis of those granted the California Highway Express and Bekins Fireproof Storage by this Commission in decision No. 15507, supra. In authorizing this adjustment the Commission does not grant authority for any extension of existing operative right.

The tariff of the applicant is now in an unsatisfactory condition, failing in many respects to comply with this Commission's rules and regulations. Before the rate changes herein authorized

will be permitted to become effective, applicant must present for the Commission's approval proof copy of new tariff.

O R D E R

IT IS HEREBY ORDERED that Alex C. Pyper operating under the fictitious name of Pacific Highway Express be, and he is hereby authorized to adjust his freight rates to the basis of those granted the California Highway Express and Bekins Fireproof Storage by this Commission in decision No. 15507, supra.

Dated at San Francisco, California this 30 day of March 1926.

H. B. Brundage

C. L. Shaver

Leon Whitell

Commissioners.

125