

Decision No. 23247.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of LEWIS A. MONROE, Agent for common carrier freight truck lines, viz., City Transfer & Storage Company, Dinuba Truck, Fortier's Transportation Company, E. Frasher Truck, Fresno-Lanare Truck, Fresno-Orange Cove Truck, George Harm Truck, Keystone Express System, Madera Truck, Morgan's Auto Express & Freight, Motor Service Express, Inc., Rice Transportation Company, San Joaquin Valley Transportation Company, Triangle Transfer Company, Valley Motor Lines, Inc. and Western Truck, for an order granting permission to continue to assess freight charges under proportional rates as now published in tariffs on file with the Railroad Commission.) Application No. 16869.

ORIGINAL

CARR, Commissioner:

SUPPLEMENTAL OPINION AND ORDER

This is an application filed by L. A. Monroe on behalf of City Transfer and Storage Company, Dinuba Truck, Fortier's Transportation Company, E. Frasher Truck, Fresno-Lanare Truck, Fresno-Orange Cove Truck, Geo. Harm Truck, Keystone Express System, Madera Truck, Morgan's Auto Express and Freight, Motor Service Express Inc., Rice Transportation Company, San Joaquin Valley Transportation Company, Triangle Transfer Company, Valley Motor Lines Inc. and Western Truck, for authority to continue in effect certain proportional rates now maintained in tariffs which these carriers have on file with the Commission.

By Decision 22594 of June 30, 1930, in Case 2839, this Commission found that respondent carriers through the publication

of proportional rates had in effect accomplished an enlargement of their existing operative rights, and that this was unlawful unless the authority of the Commission was first secured. Respondents were directed to cancel on or before October 1, 1930, on five (5) days' notice to the Commission and to the public all proportional rates filed by them and involved in that proceeding unless an order authorizing them to continue said proportional rates in effect was obtained from the Commission before the effective date of the order in Decision 22594. This effective date was subsequently extended to January 20, 1931.

Meanwhile these respondents together with seven other carriers filed this application seeking authority to continue in effect the unlawfully established proportional rates. Shortly thereafter eleven of the carriers parties to this proceeding and three others filed an application (16939) to establish joint rates in lieu of the proportional rates which were ordered published. These two applications were consolidated for hearing, but no one appeared on behalf of the applicants in Application 16869 and protestants moved that the proceeding be dismissed. The order in Decision 23122, Application 16939, however did not dismiss the proceeding but provided that Application 16869 would be continued for further consideration until December 30, 1930, at which time it would be dismissed and the rates ordered cancelled from the tariffs if they had not meanwhile been authorized. Although applicants were fully advised regarding all these proceedings they have taken no further action to secure the necessary authority. Our order in Case 2839 requires the Valley Motor Lines, Madera Truck Line, Dinuba Truck Line, E. Frasher Truck Line, Geo. Earm Truck Line, Western Truck Line, San Joaquin Valley Transportation Company, Motor Service Express and Rice Transportation Company to cancel on or before January 20, 1931, all proportional

rates filed by them and involved in that proceeding. Those of the San Joaquin Valley Transportation Company are being cancelled effective January 3, 1931. Applicants herein not parties to the proceeding in Case 2839 should cancel the proportional rates filed by them, on or before January 20, 1931. This application will be dismissed.

I recommend the following form of order:

O R D E R

Upon careful consideration of the record in the above entitled proceeding, and good cause appearing,

IT IS HEREBY ORDERED that this proceeding be and it is hereby dismissed.

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 31st day of December, 1930.

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Commissioners.