

Decision No. 9.39.3**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
MOUNTAIN EXPRESS COMPANY for permis-
sion to change a rate or fare, or
rates or fares and freight classifi-
cation on less than thirty days' no-
tice.

Application No. 6619.

Warren E. Libby for Applicant.

E. W. Kidd and Rex Hardy for estate of
C. W. Curphoy, deceased.

BY THE COMMISSION.

O P I N I O N

B. H. Vreeland and L. S. Everts, partners in business operating what is known as Mountain Express Company, by the above application seek authority to make certain modifications in their present tariffs, rules, regulations and classifications.

A public hearing upon the application was held by Examiner Westover at San Diego.

The testimony offered was not sufficient to justify increasing charges for the return of empty lug boxes and milk cans, nor to justify the proposed change in Rule 4, by which all rates are made to apply from terminal station to terminal station only, thus eliminating free pick-up and delivery zones shown in the present rules. Proposed Rule 6, providing for an extra charge for delivery on a second trip where delivery could not be made on the first trip through no fault of the carrier, should be modified by inserting the phrase "during reasonable business hours", as provided in the order herein.

Of the proposed changes to which applicant calls attention in the application, those hereinabove specified are the only ones which appear to be objectionable or not supported by the testimony.

O R D E R

A public hearing having been held upon the above entitled application, the matter being submitted and ready for decision,

IT IS HEREBY ORDERED that authority to so change Rule No.4, Section 1, as to limit the rates in applicant's tariff to transportation between terminal station and terminal station, is hereby denied.

Modification of Rule No. 6 is hereby authorized, provided the first sentence thereof is changed to read as follows:

"Where one delivery is attempted during reasonable business hours and, through no fault of the carrier, he is unable to deliver shipment, an extra charge will be made for delivery."

Authority to increase the rate on empty lug boxes to 5¢, and on empty ten gallon milk cans to 25¢, is hereby denied.

IT IS HEREBY FURTHER ORDERED that when the tariff, rules, regulations and classifications are modified as hereinabove provided, they shall be filed with the Commission in the usual course.

Dated at San Francisco, California, this 23^d day of August, 1921.

H. B. Sandica
H. J. Tolson
Dwight Martin
W. H. Brown
J. J. Quinn
Commissioners.