

Decision No. 29692

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 J. A. CLARK DRAYING CO., a corporation,  
 A. D. PAXTON (PAXTON TRUCK CO.) and  
 M. E. DeLAIR and R. B. RENICK (De LAIR  
 TRUCK CO.) for relief from observance  
 of minimum rates established by Decision  
 No. 28761 as supplemented by Decision  
 No. 28831.

Application No. 20629.

BY THE COMMISSION:

ORIGINAL

FIRST SUPPLEMENTAL OPINION AND ORDER

By supplemental application filed March 4, 1937, the above named highway contract carriers seek authority, under Section 11 of the Highway Carriers' Act, to transport iron and steel articles for Columbia Steel Company and Bethlehem Steel Company at lesser charges than those accruing under the minimum rates established by Decision No. 29480, as modified, in Part "M" of Case No. 4088.<sup>1</sup>

The rates proposed to be charged are those shown in Appendix "A" of Decision No. 29105 of September 14, 1936, in this proceeding. These are the rates which applicants were, after a public hearing, authorized to charge in lieu of the higher minimum rates established by Decision No. 28761, as amended, in Part "A" of Case No. 4088.

Applicants allege that the circumstances and conditions under which they operated at the time of the hearing on the original

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By Decisions Nos. 29480 of January 25, 1937, and 29592 of March 8, 1937, rates on shipments of 15,000 pounds and less were established effective April 12, 1937, in the general territory from San Fernando and Burbank on the north to San Ysidro and the Mexican border on the south and from the Pacific Ocean on the west to Redlands, Yucaipa, Hemet Valley and Escondido on the east. To the extent these rates differ from those established by Decisions Nos. 28761 of April 27, 1936, and 28831 of May 22, 1936, in Part "A" of Case No. 4088, they supersede the rates prescribed in Part "A".

application have continued unchanged to the present time, and that the minimum rates established in Case No. 4088, Part "M", are and will be excessive by the amount they exceed the minimum rates approved by Decision 29105, supra. Hence, they contend that the relief previously granted from the provisions of Decision No. 28761, as amended, should likewise be granted here.

It appears that this is a matter in which public hearing is not necessary and that the application should be granted; therefore, good cause appearing,

IT IS HEREBY ORDERED that applicants J. A. Clark Draying Co. Ltd., a corporation, A. D. Paxton, doing business as Paxton Truck Co., and M. E. DeLair and R. B. Renick, doing business as DeLair Truck Co., be and they are and each of them is hereby authorized to assess and collect rates less than those established by the Commission in Decision No. 29480 and as modified in Case No. 4088, Part "M", but not less than the rates authorized in and by Decision No. 29105 of September 14, 1936, in this proceeding, for the transportation, for the Columbia Steel Company and Bethlehem Steel Company, of the property involved in this proceeding.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 26<sup>th</sup> day of April, 1937.

Walter H. Hare  
Leon C. Whelan  
Frederick H. Hare  
Ray W. Hare  
Ray & Hare  
Commissioners.