

Decision No. 31195

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
J.P. SPAENHOWER for authority to charge  
less than minimum rates under the provi-  
sions of the Highway Carriers' Act.

} Application No. 21753

ORIGINAL

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION AND ORDER

By Decision No. 30767 of April 11, 1938, in the above entitled application, J. P. Spaenhower, a highway contract carrier, was authorized to transport property for Western States Grocery Company and Safeway Stores from Stockton and Tracy to certain named destinations at less than the established minimum rates. By supplemental application filed August 1, 1938, this carrier now seeks an enlargement of such authority to include transportation from Stockton to four additional destinations.<sup>1</sup>

In support of the supplemental application, applicant asserts that the proposed rates are comparable with rates authorized by said Decision No. 30767 for the same or similar distances. He points out that the rate of 15 cents proposed to be charged to Antioch, San Andreas and Pittsburg, 38, 42 and 45 miles distant, respectively, from Stockton, exceeds the rate of 9 cents authorized by the above decision from Stockton to Galt, a distance of 42 miles. He shows, further, that the proposed rate of 20 cents from Stockton to Angels Camp, a distance of 55 miles from Stockton, exceeds the rate of 15 cents previously authorized from Stockton to Ione, a distance of 57 miles.<sup>2</sup>

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<sup>1</sup> Rates are stated in cents per 100 pounds. The additional destinations and the proposed rates are as follows: To Antioch, San Andreas and Pittsburg 15 cents; to Angels Camp 20 cents.

<sup>2</sup> The mileages used in applicant's comparisons appear to be actual mileages via the routes traversed. However, the substitution of constructive mileages prescribed by the Commission in Decision No. 30000, as amended, in Part "N" of Case No. 4088, would not appear to produce comparisons less favorable to applicant.

It appears that this is not a matter in which a public hearing is necessary; that the proposed rates are reasonably related to those heretofore authorized; and that the supplemental application should be granted.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Appendix "A" of Decision No. 30767, dated April 11, 1938, in the above entitled application be and it is hereby amended by adding the following destination points and placing opposite them in Column "A" the rates shown.

<u>Destinations</u>	<u>Rates</u>
Antioch	15
San Andreas	15
Pittsburg	15
Angels Camp	20

In all other respects said Decision No. 30767 shall remain in full force and effect.

The effective date of this order shall be five (5) days from the date hereof.

Dated at Los Angeles, California, this 15<sup>th</sup> day of August, 1938.

Robert A. ...  
John ...  
Frank ...  
Ray & Riley  
Commissioners