

Decision No. 31870

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of
C. J. Hickey for authorization of lesser
rates than the minimum rates established
by Decision No. 30370 Case No. 4088
(Part U; Part V) Case No. 4145 (Part F;
Part G) insofar as it relates to the
transportation of Clay and Clay Products
between Lincoln, California and other
points in California.

Application No. 21661

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION AND ORDER

By Decision No. 30731 of March 28, 1938, in the above en-
titled application, C. J. Hickey, a highway contract carrier, was
granted authority under Section 11 of the Highway Carriers' Act to
transport clay and clay products from Lincoln to various points in
northern California, at rates less than the minimum rates established
by Decision No. 30370, as amended, in Case No. 4088, Parts "U" and
"V".¹ The authority was for a temporary period expiring April 1,
1939. By supplemental application, filed March 7, 1939, an extension
of that authority until the effective date of the minimum rates es-
tablished by Decision No. 31606 of December 27, 1938, in Case No.
4246² is sought. It is alleged that the latter decision provides a
changed basis of minimum rates under which authority to charge less
than the minimum rates will no longer be required. It is claimed,
however, that until the Decision No. 31606 rates become effective,
the lower basis of rates authorized by Decision No. 30731, supra,
will be necessary and justified.

¹ The points applicant is authorized to serve and the rates he is
permitted to assess are shown in Appendix "A" to Decision No. 30731,
supra.

² By this decision the Commission established a statewide basis of
minimum rates for common and highway carriers substantially lower than
are presently in effect. When effective, these rates will cancel and
supersede those established by Decision No. 30370, supra, as amended.

No one protested the granting of the original application. It appears that this is not a matter in which a public hearing is necessary and that the proposed extension of authority for an additional limited period is justified.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that C. J. Hickey, a highway contract carrier, be and he is hereby authorized to assess and collect for the transportation of the commodities and between the points for which rates are provided in Appendix "A" to Decision No. 30731, of March 28, 1938, in Application No. 21661, rates less than the minimum rates heretofore established in Decision No. 30370 of November 29, 1937, as amended, in Case No. 4088, Parts "U" and "V", but in no event less than the rates provided in said Appendix "A" to said Decision No. 30370.

IT IS HEREBY FURTHER ORDERED that unless otherwise ordered by the Commission the authority herein granted shall expire on the effective date of the rates established by Decision No. 31606 of December 27, 1938, in Case No. 4246.

This order shall become effective April 1, 1939.

Dated at Los Angeles, California, this 27th day of March, 1939.

Robert A. Hering
Frederick DeWitt
Carl A. Rice
H. Baker
Justin D. Casner
Commissioners