

Decision No. 31871

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 provisions of the Highway
Carriers' Act.

}
} Application No. 21753
}

BY THE COMMISSION:

SECOND SUPPLEMENTAL OPINION AND ORDER

By Decision No. 30767 of April 11, 1938, as amended, 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, Inc. from Stockton and Tracy to certain named destinations in central California, at rates less than the established minimum rates.¹ The authority was granted for a temporary period expiring April 16, 1939. By supplemental application filed March 11, 1939, this carrier now seeks a one-year extension of such authority. In support of the supplemental application it is asserted that the conditions shown in support of the original application continue to exist to the same extent and in the same degree and manner; that the need for relief is as acute now as at the time the original authority was granted, and that no new conditions have arisen to make unnecessary a continuation of that authority.

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The minimum rates from which authority to deviate was granted were those established by Decision No. 30370 of November 29, 1937, as amended, in Case No. 4088, Part "U", containing minimum rates for the transportation of property in quantities of 20,000 pounds or less (the charge for shipments in excess of 20,000 pounds to be no less than the charge established as minimum for a shipment weighing 20,000 pounds) within defined territory in northern and central California.

By Decision No. 31606 of December 27, 1938, in Case No. 4246, a state-wide basis of minimum rates was established for common and highway carriers. These rates are substantially lower than the present minimum rates and when effective, will supersede those established by Decision No. 30370, supra, as amended. In view of this fact it would not appear that the full one-year extension should be granted without first determining whether or not it is justified in view of the change in the applicable minimum rates. However, it does appear that an extension of the authority until the effective date of the Decision No. 31606 rates is justified and that such an extension may be authorized without the necessity of a formal hearing. Should applicant desire a further extension he should so advise the Commission in order that hearing may be scheduled. Therefore, good cause appearing,

IT IS HEREBY ORDERED that unless otherwise ordered by the Commission the expiration date of the authority granted by Decision No. 30767, of April 11, 1938, as amended, be and it is hereby extended to 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 16, 1939.

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

Robert L. King
Francis P. Nelson
Ray H. Cline
H. H. Baker
Justus J. Casner
Commissioners