

ORIGINAL

Decision No. 21618

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Brown Trucking Company for authority) Application No. 21618
to charge less than the minimum rates.)

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION AND ORDER

By Decision No. 30733 of March 28, 1938, in the above entitled application, Frank P. Brown, Frank E. Bartlett and Frank Gordon, copartners doing business as Brown Trucking Company, a highway contract carrier, were granted authority under Section 11 of the Highway Carriers' Act to transport certain clay products from plants of Gladding McBean and Company located at Los Angeles, Santa Monica and Alberhill to points in southern and central California as far north as Bakersfield and San Luis Obispo, at less than the minimum rates established therefor in Case No. 4088, Parts "M" and "V". Provision was made that the authority so granted would expire April 17, 1939. By supplemental application filed March 28, 1939, applicants seek an extension of that authority until the effective date of the minimum rates established by Decision No. 31606 in Case No. 4246, in re Rates of all Common and Highway Carriers.¹ In support of the supplemental application it is stated that the latter decision makes substantial changes in the minimum rates from which applicant was authorized to deviate, but that a continuation of the relief is necessary until such time as the new minimum rates become effective.

¹ Decision No. 31606 establishes minimum rates of statewide application which, upon their becoming effective, will cancel and supersede the minimum rates established in Case No. 4088, Parts "M" and "V", from which applicants were originally given relief.

This does not appear to be a matter in which a public hearing is necessary. Parties who entered appearances in the hearing on the original application have been notified of the filing of the supplemental application and have offered no objection to the extension sought. The supplemental application will be granted.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that, unless otherwise ordered by the Commission, the expiration date of the authority granted to Frank P. Brown, Frank E. Bartlett and Frank Gordon, copartners doing business as Brown Trucking Company, by Decision No. 30733 of March 28, 1938, in the above entitled application, be and it is hereby extended to the effective date of the minimum rates established by Decision No. 31606 of December 27, 1938, in Case No. 4246.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 11th day of April, 1939.

Frank P. Brown

J. F. Baker
Justus F. Coe

Commissioners.