

Decision No. 32009

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
A.D. PAXTON, doing business as PAXTON  
TRUCK COMPANY, and M.E. DeLAIR and  
R.B. RENNICK, co-partners doing busi-  
ness as DeLAIR TRUCK COMPANY, for  
authority to charge less than minimum  
rates established by Decision No. 30600  
as amended.

**ORIGINAL**  
Application No. 21893

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION AND ORDER

By Decision No. 30886 of May 23, 1938, in this proceeding, A.D. Paxton, doing business as Paxton Truck Company, and M.E. DeLair and R.B. Rennick, co-partners, doing business as DeLair Truck Company, highway contract and city carriers, have been authorized to transport certain iron and steel articles within defined territory in and around Los Angeles, under contract with Bethlehem Steel Company, at rates lower than the established minimum rates. The authority will expire May 23, 1939, unless extended by appropriate order of the Commission. By supplemental application filed April 20, 1939, indefinite continuance thereof is sought. It is alleged that applicants' operations, and the conditions under which they perform this service, have not changed in any material respect since the authority was granted, except that Paxton has purchased Rennick's interest in the DeLair Truck Company. It is also alleged that operations under the rates sought have been and now are profitable.

It appears that this is a matter in which a public hearing is not necessary. In so far as the operation of A.D. Paxton, doing business as Paxton Truck Company, is concerned, and extension of the

authority will be granted. Necessarily, this action is based on existing conditions. For this reason the extension will be limited to a period of one year unless cancelled, changed or extended by order of this Commission. No authority to depart from the established minimum rates is outstanding in favor of a co-partnership comprised of A.D. Paxton and M.E. DeLair. Consequently, no extension of such authority can be made. In so far as the co-partnership of Paxton and DeLair is concerned the application will be denied. Therefore, good cause appearing,

IT IS HEREBY ORDERED that A.D. Paxton, doing business as Paxton Truck Company, be and he is hereby authorized to transport iron and steel articles, as specified in Decision No. 30886 of May 23, 1938, in the above entitled application, under contract with Bethlehem Steel Company, at rates less than the minimum rates established therefor in Decision No. 28761, as amended, in Part "A" of Case No. 4088; Decision No. 29480, as amended, in Part "M" of Case No. 4088; and Decision No. 31473, as amended, in Case No. 4121, to the extent that lower rates than those so established are set forth in Appendix "A" of said Decision No. 30886.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall expire May 23, 1940, unless sooner changed, cancelled or extended by appropriate order of the Commission.

IT IS HEREBY FURTHER ORDERED that in all other respects the supplemental application filed April 20, 1939, be and it is hereby denied.

This order shall become effective May 23, 1939.

Dated at San Francisco, California, this 16<sup>th</sup> day of May, 1939.

Paul J. Quinn  
Frank R. Allen  
W. L. Alley  
H. B. Allen  
Justus J. Quaker  
Commissioners.