

ORIGINAL

Decision No. 28836

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of KAY M. EAMER for authority to charge less than minimum rates. } Application No. 21341

- P. N. McCLOSKEY, for Applicant
- HAROLD W. DILL, for Truck & Warehouse Association of San Diego and Imperial Counties, Protestant.
- J. C. BOWDEN, for Dump Truck Association of Southern California, Protestant.
- F. F. WILLEY, for Pacific Electric Railway Company, Interested Party.

BY THE COMMISSION:

O P I N I O N

By her application, filed July 14, 1937, Kay M. Eamer, to whom was issued a permit as a city carrier August 9, 1937, sought permission, under section 10, City Carriers' Act, to establish a rate for the transportation of property by dump trucks, below the minimum rates previously prescribed by the Commission for such transportation pursuant to Decision No. 28836, dated May 25, 1936, in Case No. 4087. Applicant proposed to transport in her 1937 Fageol 4.4 cubic-yard dump truck, dirt from storm and sanitary sewers, in connection with certain W.P.A. projects, performing this work under contract with the United States Treasury Department. For this she sought authority to charge a rate of \$1.50 per hour, which is below the minimum established by the Commission for similar service.

A public hearing was had before Examiner Hunter at Los Angeles on August 4 and 26, 1937, when the matter was submitted.

From the Commission's files it appears that on October 17, 1937 applicant's permit as a city carrier was revoked because of her failure to keep effective the insurance protection required by sections 4, 5 and 6 of the City Carriers' Act. This permit has never been reinstated nor has a new one been issued. Since applicant now possesses no authority to operate as a city carrier or as a highway carrier, the establishment of rates below the minimum rates would afford her no relief, for she cannot engage in transportation of this character. The application will therefore be dismissed.

O R D E R

A public hearing having been had in the above entitled proceeding, evidence having been offered, the matter having been duly submitted, and the Commission being now fully advised:

IT IS HEREBY ORDERED that the above entitled proceeding be and it is hereby dismissed.

This order shall become effective immediately.

Dated at San Francisco, California, this 31st day of May, 1939.

Ray B. W. [Signature]
Francis P. [Signature]
Carl E. [Signature]
[Signature]
Justus J. Caenen
COMMISSIONERS