

Decision No. 32054

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of H. ALAN MITCHELL for authority
to charge less than minimum rates. } Application No. 21703

BY THE COMMISSION:

O P I N I O N

By his application filed January 12, 1938, H. Alan Mitchell to whom had been issued permits authorizing him to operate as a radial highway common carrier and as a city carrier, sought authority under section 11, Highway Carriers' Act and section 10, City Carriers' Act, to establish rates for the transportation of property in dump trucks below the minimum rates prescribed by the Commission for such transportation, pursuant to Decision No. 28836, dated May 25, 1936, in Case No. 4087.

Specifically, applicant requested permission to maintain a rate of \$1.00 per hour for transporting dirt in his dump truck in connection with certain W.P.A. projects in Los Angeles county, within a radius of 50 miles from the Los Angeles City Hall, performing this service under arrangement with the United States Treasury Department. The consideration of this matter has been delayed pending the determination of litigation affecting the Commission's power to prescribe minimum rates for carriers engaged in transporting property in dump trucks for the State Department of Public Works. Such authority has been upheld (Entremont v. Whitsell, 97 Cal., Dec. 505, dated April 17, 1939).

From the application it is not clear whether the transportation as to which relief is sought will be of a continuing nature. Moreover, applicant has requested the dismissal of the application. Accordingly, such will be the order.

O R D E R

The Commission having duly considered the application in this matter, and 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 6th day of June, 1939.

Raymond A. Smith
Frank P. Adams
Ray H. Wiley
John H. [unclear]
Justus J. Calver
COMMISSIONERS