

Decision No. 22359

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application }
of T. J. McFARLAND to charge less } Application No. 21372
than the minimum rates. }

BY THE COMMISSION:

O P I N I O N

In this matter T. J. McFarland, to whom have been issued permits authorizing him to operate as a radial highway common carrier and as a highway contract carrier, sought authority by his application filed July 26, 1937 to establish rates below the minimum rates prescribed for the transportation of property in dump trucks by Decision No. 28836, dated May 25, 1936, in Case No. 4067.

Specifically, applicant sought permission to establish a rate of \$1.00 per hour for transporting in dump trucks for the county of Mendocino, material to be used upon the roads of that county. 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 by dump truck for the State Department of Public Works. Such authority has been upheld (Entremont v. Whitsell, 97 Cal, Dec. 505, dated April 17, 1939).

Applicant has requested that his proceeding be dismissed, and such will be the order.

O R D E R

The Commission having duly considered the application in this proceeding, applicant having requested in writing that the matter be dismissed, 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 6th day of June, 1939.

Rogers
Frank R. Sullivan
Ray L. Rice
H. Baker
Justice J. C. Cramer
COMMISSIONERS