

Decision No. 21514

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of A. A. THOMAS for authority to charge less than minimum rates. } Application No. 21514

BY THE COMMISSION:

O P I N I O N

By his application filed October 7, 1937, A. A. Thomas, to whom has been issued a radial highway common carrier permit which is still effective, seeks authority under section 10, Highway Carriers' Act, to establish rates for the transportation of property in dump trucks lower than the minimum rates prescribed by the Commission for such transportation, pursuant to Decision No. 26836, dated May 25, 1936, in Case No. 4087.

Specifically, applicant requests permission to maintain a rate of \$1.20 per hour for the transportation of rock and dirt in his 2-cubic-yard dump truck, all of which will be performed in Griffith Park in the city and in the county of Los Angeles. 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).

From the application it does not appear whether the transportation involved is of a continuing nature. Moreover, applicant

has requested that the proceeding be dismissed. Under the circumstances, the application will be dismissed.

ORDER

The Commission having duly considered the application in this proceeding 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.

Robert A. Bunker
Henry Adams
W. H. Clegg
H. B. Hall
Justus J. Casper
COMMISSIONERS