

Decision No. 32064

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of MICHAEL McEVoy for authority
to charge less than minimum rates. } Application No. 21721

BY THE COMMISSION:

O P I N I O N

By his application filed January 18, 1938, Michael McEvoy to whom have been issued city carrier and radial highway common carrier permits which are still effective, seeks authority under section 11, Highway Carriers' Act and section 10 City Carriers' Act, to establish a rate for the transportation of property in dump trucks below the minimum rates prescribed by the Commission for the transportation of such property by Decision No. 28836, dated May 25, 1936, in Case No. 4087.

Specifically, applicant requests permission to establish a rate of \$1.40 per hour for the transportation of dirt in his 4.4-cubic-yard dump truck in road construction work connected with certain W.P.A. projects in Los Angeles and Orange Counties, performing this service under arrangements 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 that the proceeding be dismissed. Under the circumstances, the application should be dismissed and such will be the order.

O R D E R

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.

Raymond A. ...
Francis ...
Ray ...
...
Justice J. ...
COMMISSIONERS