

Decision No. \_\_\_\_\_

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of CHAN E. DAVIS for authority to charge less than minimum rates. } Application No. 21747

BY THE COMMISSION:

O P I N I O N

By his application filed February 1, 1938, Chan E. Davis, to whom had been issued a city carrier permit, sought authority under section 10, City Carriers' Act, to establish a rate for the transportation of property in dump trucks lower than the minimum rates established by the Commission for such transportation by 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 the transportation of dirt in his 2-cubic-yard dump truck in connection with certain W.P.A. projects, 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. Whittsell 97 Cal, Dec. 505).

From the Commission's records it appears that the permit issued to applicant authorizing him to operate as a city carrier was revoked September 28, 1938, because of his failure to maintain and continue in effect the insurance protection required by sections 4, 5 and 6, City Carriers' Act, and it never has been reinstated. Since

applicant is not now authorized to continue the performance of the transportation service concerning which relief was sought, further consideration of this application appears unnecessary and it will therefore be dismissed.

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 6<sup>th</sup> day of June, 1939.

Raymond A. Brown  
Frank R. Sullivan  
Ray A. C. C. C.  
Justice J. C. C.  
COMMISSIONERS