

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

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application )  
of JOHN TAORMINA for authority to ) Application No. 21766  
charge less than minimum rates. )

BY THE COMMISSION:

O P I N I O N

By his application filed February 9, 1938, John Taormina to whom had been issued city carrier and radial highway common carrier permits, sought 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 lower than the minimum rates prescribed by the Commission for such transportation by Decision No. 28836, dated May 26, 1936, in Case No. 4087.

Specifically, applicant requested permission to maintain a rate of \$1.29 per hour, power-loading, and \$1.23 per hour, hand-loading, for the transportation of dirt in his 2-cubic-yard dump trucks in the performance of certain work in Ventura County for the Department of Public Works, Division of Highways. 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 Commission's records it appears that the permits issued to applicant authorizing him to operate as a radial highway common carrier and as a city carrier have been revoked, at his request, and neither permit has ever been reinstated.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. ...*  
*Francis ...*  
*W. B. ...*  
*H. ...*  
*Justus D. Casner*  
COMMISSIONERS