

Decision No. 32118

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of CALIFORNIA MILK TRANSPORT, INC., to discontinue operation as a common carrier for the transportation of livestock between Los Angeles and Downey, Norwalk and Artesia, California.)

ORIGINAL

Application No. 22807

BY THE COMMISSION:

O P I N I O N

In this application California Milk Transport, Inc. requests authority to abandon the transportation of livestock between Los Angeles and Artesia and the intermediate points of Downey and Norwalk, and for a revocation of the operative right therefor.

The right involved was acquired by applicant by virtue of authority of the Commission conferred by Decision No. 28106, dated July 8, 1935. More recently, the Commission by Decision No. 31927, dated April 18, 1939 granted a certificate de novo <sup>(1)</sup> to applicant in lieu of the right theretofore acquired by Decision No. 28106, said in lieu certificate granting a certificate to applicant as a

"...highway common carrier of freight, without restriction as to commodities, between Los Angeles and Artesia and the two intermediate points of Downey and Norwalk..."

(1) Decision No. 31927 also granted a separate certificate for the transportation of milk, cream and dairy products between points in the Los Angeles area which is not involved herein.

As justification for the authority sought, applicant alleges that in order to comply with the Commission's decision which prescribes rates, rules and regulations covering the transportation of livestock, it would be necessary for applicant to amend its tariffs which would entail a considerable expense, despite the fact that applicant has not in the past transported livestock or had any requests for such transportation and is not now in a position to transport livestock because of lack of suitable equipment. That the transportation of livestock is a specialized service which requires special equipment, together with a thorough knowledge of the handling of such livestock; and that any tariff amendments which applicant is now required to make to conform to the Commission's rate orders as to livestock would merely result in a useless and unwarranted expenditure of applicant's funds, increasing applicant's cost of operations on traffic normally handled and placing undue burden on such traffic.

This is not a matter requiring a public hearing, and the request appearing to be in the public interest will be granted.

#### ORDER

Good cause appearing,

IT IS ORDERED that California Milk Transport, Inc. is hereby authorized to discontinue the transportation of livestock between Los Angeles and Artesia and the two intermediate points of Downey and Norwalk.

IT IS FURTHER ORDERED that the operative right for the transportation of livestock between Los Angeles and Artesia and the

two intermediate points of Downey and Norwalk heretofore created by Decision No. 31927, dated April 18, 1939, on Application No. 20833, is hereby revoked and annulled.

This order is subject to the following condition:

Applicant shall publish and file in its tariff within thirty (30) days from the effective date hereof and on not less than ten (10) days' notice to the Commission and the public, the cancellation of the rates for the service herein authorized to be discontinued and abandoned.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day of June, 1939.

James G. Thompson  
Frank C. Wilson  
Ray S. Riley  
W. T. Hall  
Justin D. Casner  
COMMISSIONERS