

Decision No. 20247

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
J. P. Spaenhower, for authority to)
charge less than minimum rates,) Application No. 21753
under the provisions of the Highway)
Carriers' Act.)

BY THE COMMISSION:

THIRD SUPPLEMENTAL OPINION AND ORDER

By Decision No. 30767 of April 11, 1938, as amended, in the above entitled application, J. P. Spaenhower, a highway contract carrier, was authorized under Section 11 of the Highway Carriers' Act to transport property for Western States Grocery Company and Safeway Stores, Inc., from Stockton and Tracy to certain named destinations in central California, at rates less than the established minimum rates, for a period expiring August 7, 1939.¹ By supplemental application this carrier now seeks a two-year extension of such authority and an enlargement of it to include eleven additional destinations.

It is asserted in the supplemental application that the conditions shown in support of the original application continue to exist to the same extent and in the same degree and manner; that the need for relief is as great now as at the time the original authority was granted; and that no new conditions have arisen which make unnecessary a continuation of that authority.

1

The minimum rates in effect at the time the original application was granted were those established by Decision No. 30370, as amended, in Case No. 4088, Part "U". Effective August 7, 1939, these rates will be superseded by those established by Decision No. 31606, as amended, in Case No. 4246.

In support of the proposed enlargement of authority, applicant alleges that his shippers now request that he serve additional points at rates comparable to those presently maintained; that the service between such additional points would be identical in all respects with the service being performed under authority of Decision No. 30767, supra; and that the proposed rates are reasonable and consistent with those heretofore authorized.

It appears from the application that an extension of the authority heretofore granted is justified, and that such an extension may be authorized without the necessity of a formal hearing. However, this conclusion is necessarily based upon existing conditions and it does not appear that the full extension sought should be granted at this time. The authority will be extended for a period of one year, unless sooner changed, modified or cancelled by appropriate order of the Commission.

It appears, further, that the rates proposed for transportation to the additional destinations are consistent with the rates heretofore authorized. Enlargement of the authority to include these points will be granted.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Appendix "A" of Decision No. 30767 of April 11, 1938, as amended, in the above entitled application, be and it is hereby further amended by adding the following destination points and placing beside them in Column "A" the rates shown:

<u>Destination</u>	<u>Rate</u>	<u>Destination</u>	<u>Rate</u>
Mountain Ranch	50	Terminus	15
Tuolumne	40	Valley Springs	15
Moccasin Creek	40	Banta Junction	9
Murphy's	35	French Camp	8
River Pines	35	Lathrop	8
Commanche	20		

IT IS HEREBY FURTHER ORDERED that the expiration date of the authority granted by Decision No. 30767 of April 11, 1938, as amended, be and it is hereby extended to August 7, 1940, unless sooner changed, modified or cancelled by appropriate order of the Commission.

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

Dated at San Francisco, California, this 1st day of August, 1939.

Rafael V. ...

Ray H. Biles

A. B. ...

Justus F. ...

Commissioners.