32513 Decision No.

OF REMARK BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of L. M. Pettit, doing business as L. M. Pettit, Trucking, for authority to charge less than minimum rates established by Decision No. 30600, as amended.

Application No. 22336

BY THE COLONISSION:

## FIRST SUPPLEMENTAL OPINION AND ORDER

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By Decision No. 31437 of November 5, 1938, in the above entitled application, L. M. Pettit, an individual doing business as L. M. Pettit, Trucking, a highway contract carrier and city carrier, was authorized to transport paper and paper articles for Pioneer Division, The Flintkote Company and Fibreboard Products Co., between points in the Los Angeles drayage area, at lesser charges than those accruing under the minimum rates established for such transportation. This authority will expire November 5, 1939. By supplemental application this carrier now seeks an extension of the authority until December 31, 1939, and, also, seeks the addition of Western Waxed Paper Company to the list of shippers for whom transportation may be performed under the authorized rates.

In support of the supplemental application, it is alleged that the conditions existing at the time the original application was granted continue to exist without material change. In addition, it is pointed out that similar authorities granted to applicant's competitors permit transportation for Western Waxed Paper Company; that as a result applicant has lost substantially all of the business of this firm; and that he cannot compete successfully for this business in the future unless Western Waxed Paper Company is added to the list of shippers he is authorized to serve.

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This is not a matter in which a public hearing is necessary. By Decision No. 32504 of October 24, 1939, in Case No. 4121, the established minimum rates for the transportation here involved were adjusted to a basis substantially the same as those granted applicant herein. This adjustment is to become effective January 1, 1940. It appears, therefore, that extension of applicant's authority until that time, and addition of Western Waxed Paper Company to the shipper list, are justified. The supplemental application will be granted.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Item 10 of Appendix "A" to Decision No. 31437, in the above entitled application, be and it is hereby amended to read as follows:

"ITEM NO. 10 - APPLICATION OF RATES

Rates provided in this Appendix apply only for the transportation of commodities listed in Item No. 20 for the Pioneer Division, The Flintkote Company, the Fibreboard Products Co., Inc., and the Western Waxed Paper Company, between points within the zones described in Item No. 30."

IT IS HEREBY FURTHER ORDERED that the expiration date of the authority granted by said Decision No. 31437, as amended by the preceding ordering paragraph hereof, be and it is hereby extended to December 31, 1939, 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 <u>31</u> day of October, 1939.

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Commissioners.