

Decision No. 32610

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment of )  
maximum and minimum, or maximum or min- )  
imum rates, rules and regulations of )  
all common carriers, as defined in the )  
Public Utilities Act of the State of )  
California, as amended, and all highway )  
carriers, as defined in Statutes 1935, )  
Chapter 223, as amended, for the trans- )  
portation, for compensation or hire, )  
of any and all agricultural products. )

Case No. 4293

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

An adjourned hearing was held in this proceeding before Examiner Davis in San Francisco on October 31, 1939, for the purpose of affording a hearing herein to carriers who had not previously had an opportunity to be heard respecting the subject matter of this proceeding, minimum rates, rules, and regulations applicable to all other common and highway carriers having been heretofore established herein by Decision No. 31924,<sup>1</sup> as amended. The parties for whom such hearing was held include those who obtained permits or certificates as highway carriers between February 28, 1938 and October 24, 1939, and those who on October 24, 1939, had pending before the Commission applications for permits as highway carriers. The record shows that due service of the order of investigation and notice of hearing herein has now been made on all such carriers and applicants, as

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Said Decision No. 31924, as amended, established minimum rates, rules and regulations of statewide application for the transportation of livestock by highway common, radial highway common and contract carriers.

well as on all other highway carriers operating under authority obtained from this Commission prior to October 24, 1939, and all those carriers and applicants have been afforded full opportunity to be heard concerning the matters involved in this proceeding.

Evidence was introduced at the hearing, based upon studies of rates and costs of operation, that the minimum rates and charges and the rules and regulations established and prescribed by said Decision No. 31924, as modified, supplemented, and amended, by Decision No. 32593 are just, reasonable, and nondiscriminatory for all highway carriers, including those new carriers and applicants hereinabove referred to, as well as those previously subject thereto. No criticism was made of the propriety of those minimum rates and charges, rules and regulations, and no reason was advanced why they should not be applied as minimum by all highway carriers presently in operation. Decision No. 31924, as amended, was based upon average conditions affecting the various types of operation and appears to be equally proper for the carriers for whom this hearing was provided as for the others.

Upon consideration of the evidence, therefore, we conclude that the minimum rates, charges, accessorial charges, and the ratings, rules, and regulations established and prescribed in and by Decision No. 31924, as supplemented, amended, and modified, should be established for and made applicable by all highway carriers.

#### O R D E R

Good cause appearing,

IT IS HEREBY ORDERED that the findings and orders in said Decision No. 31924, as supplemented, amended, and modified by the findings and order in Decision No. 32593, be and they are hereby adopted

as the findings and order herein, and a copy of each of said decisions (including the appendix or appendices thereto) is attached hereto and is hereby referred to and made a part hereof.

IT IS HEREBY FURTHER ORDERED that any and all supplements to and modifications and amendments of said Decision No. 31924 hereafter made in this proceeding shall be and shall be deemed to constitute supplements to or modifications or amendments of this decision also, without express reference to this decision therein, and all highway carriers subject to this decision are hereby ordered and directed to observe and comply with any and all such supplements, modifications, and amendments of said Decision No. 31924 as though this decision were expressly supplemented, modified, and amended thereby.

This order shall become effective ten (10) days after the date hereof.

Dated at San Francisco, California, this 5<sup>th</sup> day of December, 1939.

Robert W. Johnson  
Frank W. Brown  
Ray H. Wiley  
H. J. Smith  
Justin J. Casper  
Commissioners.