

Decision No. 32702

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Stephen W. Bowman to charge)
less than established minimum)
rate.)

Application No. 22795

ORIGINAL

BY THE COMMISSION:

APPEARANCE

John T. Lewis, Attorney, for applicant

O P I N I O N

In the above entitled application Stephen W. Bowman, holder of a permit to operate as a highway contract carrier, seeks authority under Section 11 of the Highway Carriers' Act to transport specified types of property between Hollister and San Benito and intermediate points at rates less than the established minimum rates.¹ The matter was publicly heard and submitted before Examiner Preston W. Davis at Gilroy, on December 11, 1939.

Applicant transports mail between Hollister and San Benito and intermediate points, under contract with the United States Government, receiving compensation therefor of \$119.58 per month. In addition, he transports small shipments of groceries, fresh meat, dry goods, hardware, grain and ice for certain farmers and storekeepers in the same territory. The revenue which he receives from the freight transportation averages between \$15.00 and \$30.00 per month. Applicant uses in these services a 1932 Chevrolet coach, sometimes with and sometimes without a two-wheel trailer attached.

¹ The minimum rates for the transportation under consideration are contained in Highway Carriers' Tariff No. 2 (Appendix "D" to Decision No. 31606, as amended, in Case No. 4246). Complete exemption from these minimum rates was sought in the application; however, applicant signified a willingness at the hearing to have the rates set forth in Appendix "A" hereto authorized instead.

Testifying in his own behalf, applicant Bowman stated that the cost of operating his equipment approximates \$70.00 per month, leaving not to exceed \$50.00 from his mail contract to cover his own wages as driver. He said that he had no other means of livelihood and that, therefore, the extra revenue which he was able to obtain for transporting property was essential to him. Applicant stated, in addition, that the rates he is here seeking authority to charge are as high as the customers in the community are able to pay; that practically all of his customers have their own autos or trucks and would come to town for their own supplies if higher rates are charged; and that any revenue received from freight transportation is, in effect, clear profit, since the mail trips of necessity must be made and there would be but little added cost in carrying freight.

The witness stated that no other for-hire carriers are engaging in competing transportation in the territory. No one other than applicant appeared at the hearing, nor has any objection to the granting of the application been received by the Commission.

While the sought rates are unusually low, they appear to be as high as applicant is able to obtain for his service. According to the record, no other for-hire carriers offer competing service or will be injuriously affected by the maintenance of reduced rates by applicant. Under these circumstances, it appears in the public interest that the application be granted.

It should be understood that the findings herein relate only to the propriety of the sought rates for transportation by applicant as a highway contract carrier. The order herein is not to be construed as permitting transportation for the public generally as a radial highway common carrier as defined in the Highway Carriers' Act, or as a highway common carrier as defined in

the Highway Carriers' Act, or as a highway common carrier as defined in the Public Utilities Act.

O R D E R

This application having been duly heard and submitted,
IT IS HEREBY ORDERED that Stephen W. Bowman be and he is hereby authorized to transport property as a highway contract carrier at rates less than the established minimum rates but not less than the rates set forth in Appendix "A" attached hereto and hereby made a part hereof.

This authority shall expire one (1) year from the date hereof unless sooner changed, cancelled or extended by appropriate order of the Commission.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 27th day of

January 40
~~December~~ 1939.

Ray L. Riley
Grant Sullivan
Robert W. Baber
H. M. M. M.
Justin J. Coe
Commissioners

APPENDIX "A"

The following rates will apply as minimum for transportation by Stephen W. Bowman as a contract carrier between Hollister and San Benito and intermediate points:

Person or Company for Whose Account Transportation is Performed	Commodities Authorized to be Transported	Rates Authorized to be Charged as Minimum
Paicines Store	groceries dry goods hardware fresh meat	10 cents per 100 pounds, minimum charge 10 cents per shipment.
Jungle Inn	ice	40 cents per cake of 300 pounds
Model Bakery	bread	1/2 cent per loaf
Unspecified	* groceries * grain and feed * laundry * oil * fresh meat * In shipments weighing not to exceed 150 pounds each.	20 cents per 100 pounds, minimum charge 20 cents per shipment.
	ice	5 cents per cake for 20 pound cakes 15 cents per cake for 50 pound cakes