

Decision No. 32786

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CIRCLE TRUCK COMPANY, a Corporation,)
for authority to charge less than) Application No. 21364
minimum rates.)

HAROLD W. DILL, for Truck and Warehouse Association of
San Diego and Imperial Counties, Protestant.
J. C. BOWDEN, for Dump Truck Association of Southern
California, Protestant
F. F. WILLEY, for Pacific Electric Railway Company,
Interested Party
P. N. McCLOSKEY, Interested Party

BY THE COMMISSION:

O P I N I O N

By application filed June 19, 1937, Circle Truck Company, a corporation, sought authority under Section 11 of the Highway Carriers' Act to establish a rate for the transportation of property by dump trucks at less than the minimum rates proscribed by the Commission in Decision No. 28836, dated May 25, 1936, Case No. 4087, for such transportation. Applicant was issued permits to operate as a city carrier and radial highway common carrier on July 31, 1936.

A public hearing was held before Examiner Hunter at Los Angeles on August 4, 5, and 26, 1937. Under the application a rate of \$2.12 per hour per truck was proposed for the use of four Ford dump trucks of three cubic-yard capacity in transporting dirt for the State of California within the Santa Clara and Santa Cruz Highway Districts. At the hearing, however, applicant did not introduce any evidence in support of the proposed rate and requested a continuance.

The files of the Commission show that it was necessary to revoke the permits held by applicant on December 12, 1937, because of failure to continue in effect insurance protection as required under the City Carriers' Act and the Highway Carriers' Act. These permits have never been reinstated, nor have new permits been issued, thus applicant is without authority to engage in the type of transportation covered

by the application. Therefore the application will be dismissed.

O R D E R

Circle Truck Company, a corporation, having filed the above entitled application for authority to charge less than minimum rates, and not possessing the authority required by law from the Commission as set forth in the Opinion which precedes this Order:

IT IS HEREBY ORDERED that the above entitled application be, and the same is hereby, dismissed.

This order shall become effective immediately.

Dated at San Francisco, California, this 6th
day of February, 1940.

Ray & Quinn
Frank R. Quinn

H. K. Bates

Justin Z. Caswell
(COMMISSIONERS)