

Decision No. 32787

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Geo. P. Eamer for authority to) Application No. 21343
charge less than minimum rates.)

P. N. McCLOSKEY, for Applicant
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.

BY THE COMMISSION:

O P I N I O N

By application filed July 14, 1937, Geo. P. Eamer sought authority under Section 10 of the City Carriers' Act to establish a rate for the transportation of property by dump trucks at less than the minimum rates prescribed by the Commission in Decision No. 28836, dated May 25, 1936, Case No. 4087, for such transportation. Applicant was issued permit No. 19-6399 to operate as a city carrier on August 9, 1937.

A public hearing was held before Examiner Hunter at Los Angeles on August 4 and 26, 1937, when the matter was submitted. Under the application a rate of \$1.45 per hour was proposed for the use of one 1928 G.M.C. 4.4 cubic-yard capacity dump truck transporting dirt from storm and sanitary sewers in connection with certain W.P.A. projects.

The files of the Commission show that it was necessary to revoke the permit held by applicant on October 17, 1937, because of failure to continue in effect insurance protection as required under the City Carriers' Act. This permit has never been reinstated, nor has a new permit been issued, thus applicant is without authority to engage in the type of transportation covered by the application. The application will therefore be dismissed.

ORIGINAL

O R D E R

Geo. P. Eamer 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 L. Riley
Grace B. Weaver

H. H. Baker
Justin D. Coe
(COMMISSIONERS)