Decision No. 32353

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of ) ROGER WALTERS )

Application No. 21450

for authority to charge less than Minimum Rates.

## ORIGINAL

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BY THE COMMISSION:

## OPINION

By his application, filed September 2, 1937, the applicant, Roger Walters, sought authority under Section 11, Highway Carriers' Act, and Section 10, City Carriers' Act, to establish a rate for the **transportation** of property in dump trucks below the minimum rates prescribed by the Commission for such transportation by Decision No. 28836, dated May 25, 1936, in Case No. 4087. Specifically, he proposed to establish a rate of \$1.24 per hour for hauling material in his 2-cubic-yard dump truck in connection with certain W. P. A. projects.

City Carrier and Radial Highway Common Carrier permits previously issued to applicant had been revoked before this application was filed, and at that time applicant held no permits of any character. Subsequently, on two occasions, City Carrier and Radial Highway Common Carrier permits were issued to applicant, and revoked. Later there was issued to him a Radial Highway Common Carrier permit, which thereafter, at his request, was suspended, as provided by Section 14-3/4, Highway Carriers' Act, for the period of one year ending April 25, 1940. Although this permit has since been reinstated and is now in effect, the application does not disclose whether applicant intends to engage continuously in transportation of the character concerning

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which he sought relief. Under the circumstances, therefore, the application will be dismissed.

## ORDER

The Commission having duly considered the application in this proceeding, and being now fully advised,

IT IS HEREBY ORDERED that the above-entitled proceeding be and it is hereby dismissed.

This Order shall become effective immediately. Datod at San Francisco, California, this for day of March, 1940.

Commissioners