

Decision No. 32094

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of A. D. Paxton, doing business)
as PAXTON TRUCK COMPANY, and)
M. E. DeLAIR and R. B. RENNICK,)
co-partners doing business as)
DeLAIR TRUCK COMPANY, for author-)
ity to charge less than minimum)
rates established by Decision No.)
30600 as amended.)

Application No. 21893

In the Matter of the Application)
of M. E. DeLair and A. D. Paxton,)
co-partners doing business as)
DeLair Truck Company, for an Or-)
der of the Commission extending)
the authority heretofore granted)
to M. E. DeLair and R. B. Rennick,)
co-partners doing business as)
DeLair Truck Company, to charge)
less than minimum rates establish-)
ed by Decision No. 30600, as)
amended (31473), and for author-)
ity to continue to charge the)
minimum rates authorized by De-)
cision 30886 in the future.)

Application No. 22734

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 30886 of May 23, 1938, in Application No. 21893, A. D. Paxton, an individual doing business as Paxton Truck Company, and R. B. Rennick and M. E. DeLair, co-partners doing business as DeLair Truck Company, highway contract and city carriers, were authorized to transport certain iron and steel articles within defined territory in and around Los Angeles, under contract with Bethlehem Steel Company, at rates lower than the established minimum rates. This authority was granted for a temporary period expiring May 23, 1939. Thereafter, by Decision No. 32009 of May 16, 1939, the authority was extended until May 23, 1940, in so far as it applied

to the operation of A. D. Paxton. No extension of the authority granted R. B. Rennick and M. E. DeLair was made, the latter persons having disposed of their equipment and discontinued operations.

By Decision No. 32018 of May 23, 1939, in Application No. 22734, authority similar to that previously held by R. B. Rennick and M. E. DeLair was granted a copartnership consisting of A. D. Paxton and M. E. DeLair, doing business as DeLair Truck Company, which latter copartnership was represented as having acquired the equipment and assets of the former copartnership and as being engaged in like transportation service. This authority also was granted for a temporary period expiring May 23, 1940.

A. D. Paxton has now filed a supplemental application seeking a further one-year extension of the authority held by him pursuant to the aforesaid Decision No. 30886, as amended. He alleges that there has been no material change in operating conditions since the authority was originally found justified by the Commission and that the authorized rates have proven compensatory.

The supplemental application is joined in by DeLair Truck Co., a corporation which is said to have acquired the assets and operations of the copartnership of A. D. Paxton and M. E. DeLair on or about November 13, 1939. The corporation asks that it be granted for a one-year period, commencing May 23, 1940, the same authority as was previously granted the copartnership pursuant to Decision No. 32018. According to the supplemental application, A. D. Paxton owns 200 of the 202 shares of the capital stock of DeLair Truck Co., and the operation of that company will be similar in all essential respects to that previously conducted by the copartnership of A. D. Paxton and M. E. DeLair.

It appears that these are not matters in which a public hearing is necessary and that extension of Paxton's authority for a

period of one year is justified under the circumstances and conditions shown. It also appears that DeLair Truck Co. should be granted authority similar to that heretofore held by the copartnership of M. E. DeLair and A. D. Paxton.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that A. D. Paxton, an individual doing business as Paxton Truck Company, and DeLair Truck Co., a corporation, be and they are and each of them is hereby authorized to transport iron and steel articles as specified in Appendix "A" of Decision No. 30886, of May 23, 1938, in Application No. 21893, under contract with Bethlehem Steel Company, at rates less than the established minimum rates but not less than those set forth in said Appendix "A".

The authority herein granted shall expire May 23, 1941, unless sooner cancelled, changed or extended by order of the Commission.

This order shall become effective May 23, 1940.

Dated at San Francisco, California, this 14th day of May, 1940.

Ray L. Rice
James H. Hensley
Ralph W. Hensley
H. H. Hensley

Commissioners