

Decision No. \_\_\_\_\_

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment of maximum or minimum, or maximum and minimum rates, rules and regulations of all common carriers as defined in the Public Utilities Act of the State of California, as amended, and all highway carriers as defined in Chapter 223, Statutes of 1935, as amended, for the transportation, for compensation or hire, of any and all commodities.

Case No. 4246

ORIGINAL

In the Matter of the Establishment of maximum and minimum, or maximum or minimum, rates, rules and regulations of all common carriers, as defined in the Public Utilities Act of the State of California, as amended, and all highway carriers, as defined in Statutes 1935, Chapter 223, as amended, for the transportation, for compensation or hire, of any and all agricultural products.

Case No. 4293

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

In these proceedings the Commission has established minimum rates, rules and regulations for the transportation of property by common, radial highway common and highway contract carriers. Statewide rates for general commodities have been prescribed by Decision No. 31606 of December 27, 1938, as amended, in Case No. 4246. Decision No. 33977 of March 11, 1941, in Case No. 4293, has established, to become effective May 1, 1941, rates for the transportation of fresh fruits and vegetables between points in southern California and from southern California to San Francisco Bay points.

J. P. Spaenhower, an individual doing business as Stockton Delivery Company, and E. B. Gregg and Roy Marckese, copartners, doing business as United Delivery Service, seek exemption from the provisions of outstanding orders in Case No. 4246 in connection with

the transportation of shipments weighing 100 pounds or less. Stockton Delivery Company and United Delivery Service, it is alleged, provide specialized parcel delivery services for the merchants of Stockton and Modesto, respectively. Petitioners represent that this type of service differs materially from and is not competitive with other types of for-hire highway carriage and point out that other parcel delivery carriers now enjoy exemption from the established rates.

Pacific Electric Railway, successor to Motor Transit Company, requests exemption from the provisions of Decision No. 31606, as amended, and Decision No. 33977, supra, in so far as they relate to shipments weighing 100 pounds or less transported on passenger stages under operative rights acquired from Motor Transit Company. Petitioner alleges that its operations are conducted in the same manner as those which were conducted by its predecessor and that the predecessor company enjoyed exception from the minimum rates established for the transportation of general commodities on shipments weighing 100 pounds or less. In connection with the transportation of fresh fruits and vegetables, petitioner represents that its service is similar to the service rendered by other carriers exempted from the prescribed rates in so far as shipments weighing 100 pounds or less are concerned.

It appears that these are matters in which a public hearing is not necessary and that petitioners' requests should be granted. Therefore, good cause appearing,

IT IS HEREBY ORDERED that Decision No. 31606 of December 27, 1938, as amended, in Case No. 4246, be and it is hereby further amended by adding to paragraph (c) of Finding No. 14 thereof J. P. Spaenhower, doing business as Stockton Delivery Company; E. B. Gregg and Roy Marckese, copartners, doing business as United Delivery Service; and Pacific Electric Railway Company in connection with

passenger stage (motor coach) operations conducted under operative rights acquired from Motor Transit Company.

IT IS HEREBY FURTHER ORDERED that Decision No. 33977 of March 11, 1941, in Case No. 4293, be and it is hereby amended by adding to paragraph (b) of Finding No. 12 thereof Pacific Electric Railway Company in connection with passenger stage (motor coach) operations conducted under operative rights acquired from Motor Transit Company.

IT IS HEREBY FURTHER ORDERED that in all other respects said Decision No. 31606, as amended, and said Decision No. 33977 shall remain in full force and effect.

This order shall become effective May 1, 1941.

Dated at San Francisco, California, this 29<sup>th</sup> day of April, 1941.

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*Francis L. Haene*  
Commissioners.

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