

ORIGINAL

Decision No. 34378

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 authority 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 Order 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 established by Decision No. 30600, as amended (31473), and for authority to continue to charge the minimum rates authorized by Decision 30886 in the future.

Application No. 22734

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 33094 of May 14, 1940, as amended, in the above entitled applications, DeLair Truck Co., a corporation operating as a highway contract and city carrier, was authorized to transport specified iron and steel articles under contract with Bethlehem Steel Company at rates less than the established minimum rates. This authority is limited to a designated area

A. D. Paxton, an individual doing business as Paxton Truck Company, was granted similar authority by said Decision No. 33094, as amended. His authority is an extension of that first granted by Decision No. 30886 of May 23, 1938. That decision also granted the copartnership of M. E. DeLair and R. B. Rennick, doing business as DeLair Truck Company, authority similar to that granted Paxton. Subsequently, copartners A. D. Paxton and M. E. DeLair acquired DeLair Truck Company and, thereafter, that business was transferred to DeLair Truck Co., a corporation.

in and around Los Angeles. It will expire May 23, 1942. By supplemental application A. D. Paxton and J. C. Peters, copartners, seek the same authority as that previously granted the corporation. They propose to conduct their operations, commencing July 1, 1941, as DeLair Truck Co. Applicant Peters is said to have acquired a one-half interest in that business, and, it is represented, the corporation will transfer to the copartnership such assets and equipment as are necessary for effective and economical operations. The operations proposed to be conducted by the copartners are represented as being identical with those now conducted by the corporation. The latter operations are said to have proven profitable under the authorized rates. The change in operations is proposed to be made effective July 1, 1941, the beginning of a new fiscal period, to facilitate the keeping of records and the making of reports to regulatory and taxing agencies.

It appears that this is a matter in which a public hearing is not necessary and that the granting of the sought authority is justified under the circumstances and conditions shown. Therefore, good cause appearing,

IT IS HEREBY ORDERED that A. D. Paxton and J. C. Peters, copartners doing business as DeLair Truck Co., be and they are 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"; and that the authority herein granted shall expire May 23, 1942, unless sooner canceled, changed or extended by appropriate order of the Commission.

IT IS HEREBY FURTHER ORDERED that the authority granted DeLair Truck Co., a corporation, by Decision No. 33094 of May 14, 1940, as amended, be and it is hereby canceled.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 1st day of July, 1941.

[Signature]
Ray & Riey
Justus J. Casner
Francis D. Haven
[Signature]
Commissioners.