

ORIGINAL

Decision No. 34888

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of )  
MARSHALL T. EIBE for certificate of )  
public convenience and necessity to )  
operate as a highway common carrier )  
for the transportation of livestock )  
between Dixon, California and points )  
too numerous to specify in this title, )  
within the State of California, and )  
between intermediate points. )

Supplemental  
Application No. 22469

MARSHALL T. EIBE, for applicant,  
E. L. VAN DILLEN, for Southern  
Pacific Company and Northwestern  
Pacific Railroad Company,  
J. L. STEWART, for Armour & Co.,  
Interested party,  
W. G. STONE and JAMES A. MARRIS, for  
Sacramento Chamber of Commerce,  
Interested party.

BY THE COMMISSION:

O P I N I O N

Marshall T. Eibe, applicant herein, has requested  
authority to discontinue his highway common carrier service  
for the transportation of livestock over various routes in  
California.

A public hearing on this application was conducted  
by W. C. Gorman, at Sacramento, and the matter having been  
fully argued is now ready for decision.

Applicant makes his headquarters at Dixon, at which  
place he maintains fourteen specially built trucks and trailers.  
A part of his transportation service consists of  
moving feeder livestock from pasture to pasture.

*CORRECTION*

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THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY

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BY THE COMMISSION:

O P I N I O N

Marshall T. Eibe, applicant herein, has requested authority to discontinue his highway common carrier service for the transportation of livestock over various routes in California.

A public hearing on this application was conducted by Examiner Gorman, at Sacramento, and the matter having been duly submitted is now ready for decision.

Applicant makes his headquarters at Dixon, at which point he maintains fourteen specially built trucks and trailers. The principal part of his transportation service consists of transporting feeder livestock from pasture to pasture.

Applicant alleges that during 1938 he operated his trucking service at a profit of approximately \$3700., but during 1939 and 1940 he sustained annual losses of \$7100. and \$5600. respectively.

Mr. Eibe testified that the minimum rates established by this Commission in 1939 for the transportation of livestock from pasture or feed lot to packing plant were satisfactory; that the rates for transportation of livestock between pastures were too low; that subsequent to the establishment of minimum rates, all operating costs have increased substantially and that his efforts to secure more traffic between pasture and packing plant have been unsuccessful as this particular business is retained by the larger carriers having headquarters in the more populous centers.

The record shows that applicant provides an "on call" service and that during the first half of 1941, the calls for his livestock transportation service have been practically negligible.

Applicant further testified that he desired to suspend operations for a period of one year or until satisfactory minimum rates were established and that the Truck Owners Association of California were contemplating the filing of a petition requesting a revision of the livestock rates (Petition Case No. 4293, filed November 26, 1941):

A careful review of the record herein indicates that applicant has been unable to secure sufficient livestock traffic of the type which would make his operations profitable and that a suspension of his service will not cause any public hardship in the way of lack of transportation service inasmuch as twelve

other highway common carriers provide the same type of service.

O R D E R

A public hearing having been held on the above entitled matter; the Commission being fully apprised of the facts

IT IS HEREBY ORDERED that Marshall T. Eibe may suspend his highway common carrier operations; the certificate of public convenience and necessity for which was granted by this Commission's Decision No. 32673, on Application No. 22469, et al until July 1, 1942, subject to the following conditions:

(1) Applicant shall file on or before January 30, 1942 and on not less than five (5) day's notice to this Commission proper supplements to his tariffs and time tables indicating the suspension herein authorized.

(2) Applicant shall resume the service herein authorized to be suspended on or before July 1, 1942 and unless so resumed the certificate of public convenience and necessity granted to him by this Commission's Decision No. 32673, shall be deemed to have been revoked and of no further force and effect and his tariffs and time schedules relating thereto shall likewise be deemed to have been cancelled.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California this 20<sup>th</sup> day of  
December, 1941.

W. H. H. H.  
Ray & King  
Master J. G. G. G.  
Francis D. Havenner  
R. L. L. L.