

Decision No. 35617

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of J. P. SPAENHOWER, for authority)
to charge less than minimum rates,)
under the provisions of the High-)
way Carriers' Act.)

Application No. 21753

BY THE COMMISSION:

SIXTH SUPPLEMENTAL OPINION AND ORDER

By Decision No. 30767 of April 11, 1938, as amended, in this proceeding, J. P. Spaenhower, a highway contract carrier, was authorized to deviate from the established minimum rates in connection with the transportation of property from Stockton and Tracy to designated central California points. This authority is restricted to transportation for Western States Grocery Company and Safeway Stores, Inc. and will expire August 7, 1942. By supplemental application, filed July 20, 1942, a ninety-day extension of the authority is sought.

In support of the proposed extension it is represented that applicant and the interested shippers are re-examining the transportation in question, in the light of conditions arising from the war and of recent orders of the Office of Defense Transportation, to determine under what method, if at all, applicant may continue to perform this service; that during this investigation applicant proposes to operate in the same manner as heretofore; that the rates applicant has been authorized to observe by prior orders in this proceeding are generally higher than the minimum rates established for like transportation; that, although applicant has experienced increased operating expenses in the past year, the traffic involved has been handled

on a compensatory basis under the authorized rates; and that in other respects conditions surrounding this traffic have not changed materially since the outstanding authority was granted.

Under the circumstances it appears that this is a matter in which a public hearing is not necessary and that the proposed extension is justified. The supplemental application will be granted. Therefore, good cause appearing,

IT IS HEREBY ORDERED that the expiration date of the authority granted J. P. Spaenhower by Decision No. 30767 of April 11, 1938, as amended, in the above entitled application, be and it is hereby extended to November 5, 1942, unless sooner changed, canceled or further extended by appropriate order of the Commission.

This order shall become effective August 7, 1942.

Dated at Los Angeles, California, this 28th day of July, 1942.

Justus J. Cullen
Ray L. Wiley

James V. Havens
Richard L. Laska

Commissioners