

Decision No. 36172

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of)
 Merchants Transportation Company, a)
 corporation, United Boat Lines, a)
 corporation, John Nichols and Henry)
 Nichols, co-partners, doing business)
 as Nichols Transportation Company,)
 and Rio Vista Lighterage Company, Inc.,)
 a corporation, all common carriers by)
 vessel for an order of the Railroad Com-)
 mission authorizing them to publish the)
 same rates and rules and regulations in-)
 sofar as they are applicable for the)
 transportation of grain, grain products)
 and related articles as the Commission)
 may establish as minimum for the trans-)
 portation of said commodities by high-)
 way carriers, by reason of the petition)
 of the Truck Owners Association of)
 California.)

Application No. 25108

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

Decision No. 36104 of January 12, 1943, in this proceed-
 ing, authorized John Nichols to establish certain increased rates
 for the transportation of grain, grain products and related articles
 on not less than ten days' notice to the Commission and to the pub-
 lic. By supplemental application, Henry J. Nickols asks that this
 authority be transferred to him and that the required notice be
 shortened to the extent necessary to permit him to make the rates
 involved effective February 11, 1943. He represents that he and
 John Nickols were formerly copartners; that he has acquired John
Nickols' interest in Nickels Transportation Company; and that the
 oral request made at the hearings in this matter for substitution
 of John Nichols for the copartners as an applicant was an inadvert-
 ence. In regard to the proposed shortening of the required notice,

it is pointed out that Merchants Transportation Company and The River Lines, competing vessel carriers were granted authority similar to that granted John Nichols; that these authorizations permitted the increases involved to be made effective February 11, 1943; and that, unless the ten days' notice requirement for Nickols Transportation Company's filing is shortened, its increased rates cannot be established on that date and concurrently with its competitors' like increases.

It appears that this is a matter in which a public hearing is not necessary and that the supplemental application should be granted. Therefore, good cause appearing,

IT IS HEREBY ORDERED that the provisions of the first ordering paragraph of Decision No. 36104 of January 12, 1943, in this proceeding, be and they are hereby amended by substituting "Henry J. Nickols, doing business as Nickols Transportation Company" for "John Nichols, doing business as Nichols Transportation Company," and by authorizing said Henry J. Nickols to establish the increased rates found justified in the aforesaid Decision No. 36104 not earlier than February 11, 1943, and on not less than one (1) day's notice to the Commission and to the public.

In all other respects the aforesaid Decision No. 36104 shall remain in full force and effect.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 9th day of February, 1943.

Francis D. Havenner
Arthur D. Cassin
Richard L. Lusk
Frederic Wood

Commissioners