

Decision No. 36476

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of	)	
W. A. BAXTER for relief under Section	)	
11 of the Highway Carriers' Act,	)	
Chapter 223, Statutes of 1935 of the	)	
State of California, as amended, and	)	Application No. 24903
under Section 10 of the City Carriers'	)	
Act, Chapter 312, Statutes of 1935,	)	
of the State of California, as amended.)	)	

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION AND ORDER

This proceeding involves city and highway carrier service performed by W. A. Baxter for Pacific Electric Railway Company. Baxter transports property used by the railway in connection with the construction, reconstruction, maintenance, repair or removal of its facilities. For this transportation he has been authorized to observe rates lower than those otherwise established as minima. This authority will expire July 7, 1943. By supplemental application, its extension for a one-year period is sought.

It is represented that the character of applicant's operations has not changed since the authority in question was granted. The charges assessed and collected thereunder, it is claimed, have been reasonably profitable and compensatory.

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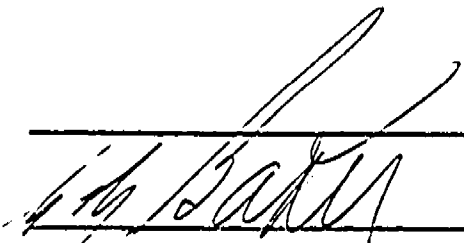
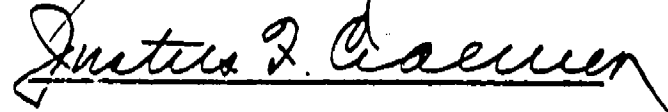
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 Permission to observe the lower rates was granted by Decision No. 35554 of July 7, 1942. The applicable minimum rates, which were prescribed by Decisions Nos. 31606 (41 C.R.C. 671), as amended, and 32504 (42 C.R.C. 239), as amended, are stated on a weight basis varying with the size of the shipment, the classification of the property and the distance between points of origin and destination. These bases were found to impose burdensome and undesirable requirements upon the particular traffic involved. On the other hand, the authorized hourly rates, which do not impose such requirements and which vary with the capacity and type of equipment, were found reasonable and compensatory.

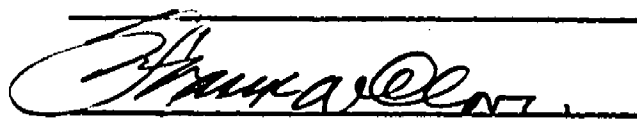
It appears that this is a matter in which a public hearing is not necessary and that the proposed extension of the authority is justified. The supplemental application will be granted. Therefore, good cause appearing,

IT IS HEREBY ORDERED that the expiration date of the authority granted by Decision No. 35554 of July 7, 1942, in the above entitled application, be and it is hereby extended to July 7, 1944, unless sooner changed, canceled or further extended by appropriate order of the Commission.

This order shall become effective July 7, 1943.

Dated at San Francisco, California, this 17<sup>th</sup> day of July, 1943.

  
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Commissioners