

Decision No. 36689**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, ) Application No. 21753  
under the provisions of the Highway )  
Carriers' Act. )

BY THE COMMISSION:

EIGHTH SUPPLEMENTAL OPINION AND ORDER

This proceeding involves highway carrier service performed by J. P. Spaenhower for Western States Grocery Company and Safeway Stores, Inc. By prior orders (Decision No. 30767, as amended), Spaenhower has been authorized to observe, in connection with the transportation of groceries and other articles handled by these concerns, rates lower than those otherwise established as minima.

This authority is limited to shipments originating at Stockton and Tracy and forwarded to designated central California points in minimum quantities of 10,000 pounds per trip.<sup>1</sup> It will expire November 5, 1943. By supplemental application, a one-year extension of the authority is sought.

It is represented that the character of applicant's operations has not changed since the outstanding authority was granted.

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<sup>1</sup> The minimum rates prescribed for this transportation by Decision No. 31606 (41 C.R.C. 671), as amended, vary with the size of the shipment, the classification of the property and the distance between point of origin and destination. The rates applicant has been authorized to observe, on the other hand, are the same for shipments of all sizes and for property of all descriptions. These rates, moreover, are not based strictly upon the distance between point of origin and destination as in the case of the established minimum rates. Many of the commodities involved are classified 4th class or lower under the provisions of Decision No. 31606, as amended. Certain of the rates applicant has been permitted to observe closely approximate the prescribed 4th class rates for minimum quantities of 10,000 pounds; others, including those both higher and lower than the 10,000-pound 4th class scale, deviate materially from that scale. A provision of applicant's outstanding authority requires, however, that he observe as minima for all of the transportation involved either the rates authorized in this proceeding or those prescribed by Decision No. 31606, as amended.

Moreover, the verified application shows that, although there have been some increases in operating costs, the rates sought to be continued will still return a substantial profit.

Under the circumstances it appears that this is a matter in which a public hearing is not necessary and that an extension of applicant's authority is justified. It will be modified, however, by eliminating rates for transportation from Stockton to Angels Camp, Murphys, San Andreas, and Valley Springs. This service is within the scope of the common carrier operative rights applicant acquired from Calaveras Transit Company, Ltd. (Decision No. 35679 of August 11, 1942, in Application No. 25191).

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Appendix "A" of Decision No. 30767 of April 11, 1938, as amended, in the above entitled application, be and it is hereby further amended by eliminating the Column "A" rates shown therein opposite the destination points of Angels Camp, Murphys, San Andreas, and Valley Springs; and that, as so modified, the authority granted by said Decision No. 30767, as amended, be and it is hereby extended to November 5, 1944, unless sooner changed, canceled or further extended by appropriate order of the Commission.

This order shall become effective November 5, 1943.

Dated at San Francisco, California, this <sup>2nd</sup> 21 day of November, 1943.

*Francis D. Stavenue*  
*H. G. Baker*  
*Arthur J. Gable*  
*Richard H. Hays*  
*Thomas J. O'Connell*  
 Commissioners