

Decision No. 28656**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 FORTIER TRANSPORTATION CO., a co-)
 partnership, for authority to depart)
 from the rules and regulations of) Application No. 26241
 Highway Carriers' Tariff No. 2, under)
 the provisions of the Highway Carriers)
 Act.)

SECOND SUPPLEMENTAL OPINION AND ORDER

Decision No. 37338 of September 20, 1944, as amended, in this proceeding authorized Fortier Transportation Company, a corporation (successor to Fortier Transportation Company, a copartnership), to deviate from the established minimum rates in the transportation of groceries for Better Buy Grocery Company from Fresno to points within a 120-mile radius. This authorization expires February 15, 1946. Under Decision No. 37338 applicant is relieved from classifying the property shipped and from determining separate weights for component parts of split delivery shipments. This arrangement was permitted because of conditions arising out of the national emergency. On an over-all basis the authorized rates produce charges at least as great as the charges which would be produced by the minimum rates. In granting this permission the Commission pointed out that under ordinary circumstances it would not approve rates which do not differentiate between commodities possessing widely varying transportation characteristics but that, limited to the emergency, the authorization would conserve much needed man power and would not affect others adversely.

Applicant now asks that the Commission, by ex parte order, either extend the authority for another year or, in the event it deems a public hearing necessary, grant a temporary extension pending

hearing and decision in the matter. In view of the character of this rate adjustment and in the face of our previous conclusions, extension for a one-year period without further hearing is not warranted. With respect to applicant's alternative proposal, it represents that the shipper's general manager who is a necessary witness is out of the state and will not return until the first of March. A hearing will be scheduled for early in March. The authority will be extended to April 30.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that the expiration date of the authority granted Fortier Transportation Company, a corporation, by Decision No. 37338, as amended, in this proceeding, be and it is hereby extended to April 30, 1946, unless sooner changed or further extended by appropriate order of this Commission.

The effective date of this order shall be February 15, 1946.

Dated at San Francisco, California, this 5th day of February, 1946.

Harold Anderson
Justin F. Craven
Frank A. Davis
Robert F. Russell
Harold P. Hubbs
 Commissioners