

ORIGINALDecision No. 38989

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment)
of maximum or minimum, or maximum)
and minimum rates, rules and regula-)
tions of all common carriers as)
defined in the Public Utilities Act)
of the State of California, as)
amended, and all highway carriers as)
defined in Chapter 223, Statutes of)
1935, as amended, for the transporta-)
tion, for compensation or hire, of)
any and all commodities.)

Case No. 4246

SUPPLEMENTAL OPINION AND ORDER

Prior orders in this proceeding have prescribed minimum rates, rules and regulations for the transportation of property by common and highway carriers. By petition, C. W. McCrum, who transports mail between Oroville and Clipper Mills and who recently has been authorized to transport passengers and property between these points seeks exemption from the established rates.¹

The verified petition alleges that the common carrier operations, both passenger and property, will be conducted through the use of one three-quarter ton stake truck; that petitioner will drive the truck and conduct the entire business himself; that the territory to be served is sparsely settled; that the volume of freight traffic will probably not exceed \$1000 per year; and that the revenue to be derived from the operation would not justify the expense of petitioner maintaining class and commodity rates and

¹ Decision No. 38824 dated April 2, 1946, in Application No. 27197, authorized petitioner to transport property for the public generally and passengers from Oroville to Clipper Mills via Forbestown and Woodleaf; returning via Challenge to Forbestown, thence to Oroville.

becoming a party to the current Western Classification and Exception Sheet. There are no competing common carriers operating between Oroville on the one hand and points petitioner is authorized to serve on the other hand.

The record shows that petitioner is mindful of the fact that similar exemptions have generally been limited to carriers whose operative rights were restricted to the transportation of shipments weighing 250 pounds or less. He alleges, however, that there is an infrequent demand for the transportation of heavier shipments and that such a weight restriction in his case would not be in the public's interest due to the scarcity of for-hire transportation in the territory which he serves.

Petitioner's operations are substantially different from those for which the established minimum rates were primarily designed. They appear to be similar in all essential respects to those of other carriers operating in sparsely settled areas under certificates restricted to shipments weighing 250 pounds or less which, upon request, have heretofore been granted exemption from the prescribed minimum rates. The rates proposed by petitioner generally protect the minimum rates established for the transportation of shipments in excess of 250 pounds.

It appears that this is a matter in which a public hearing is not necessary and that the petition should be granted.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Decision No. 31606, as amended, in Case No. 4246 be and it is hereby further amended by adding to paragraph (a) of Finding No. 14 thereof, C. W. McCrum, in connection with the transportation of property between Oroville and Clipper

Mills and intermediate points via Woodleaf and Challenge,

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 21st day of
May, 1946.

Harold Anderson
Justin F. Craven
Samuel W. Brown
James Lawrence
Harold P. Hule
Commissioners