

**ORIGINAL**

Decision No. 49779

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of A. D. PAXTON and J. C. PETERS, )  
a copartnership doing business as )  
DELAIR TRUCK CO., for authority to )  
charge less than minimum rates )  
under Sections 10 and 11 of the )  
City Carriers' Act and the Highway )  
Carriers' Act, respectively, for )  
the transportation of iron and )  
steel articles and other commodi- )  
ties for Bethlehem Pacific Coast )  
Steel Corporation and Bethlehem )  
Supply Company. )

Application No. 29891  
(5th Supplemental)

FIFTH SUPPLEMENTAL OPINION AND ORDER

Applicants hold city and highway carrier permits. They transport iron and steel articles and other commodities for the Bethlehem Pacific Coast Steel Corporation and Bethlehem Supply Company in an area within a radius of 25 miles of First and Main Streets, Los Angeles. By Decision No. 42551 of February 23, 1949, as amended, in this proceeding, they were authorized to observe rates lower than the minimum rates otherwise applicable to this transportation. The authority is scheduled to expire March 15, 1954. Permission is now sought to continue to deviate from the minimum rates for a further one-year period.

Applicants' operations have been conducted on the basis of rates one-half cent per 100 pounds less than the minimum rates otherwise applicable. They allege that except for increases in costs the conditions surrounding the transportation in question which justified deviation from the minimum rates generally still obtain. The increased costs, they assert, have been offset by adjustments in their rates corresponding with increases in the minimum rates, by higher volume of traffic and by greater operating efficiency. Applicants point out that the revised minimum rates became effective September 10, 1953. They ask that reference to the minimum rates be changed

accordingly. They represent that their operations have been profitable and may reasonably be expected to continue to be profitable during the ensuing year.

It appears that this is a matter in which a public hearing is not necessary and that the sought extension of applicants' authority and the requested change therein are justified and should be granted. To prevent a lapse of that authority, the order herein will be made effective March 15, 1954.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that the first ordering paragraph of Decision No. 42551 of February 23, 1949, as amended, in this proceeding, be and it is hereby further amended by substituting for the phrase "minimum rates in effect March 1, 1953" the phrase "minimum rates in effect September 10, 1953."

IT IS HEREBY FURTHER ORDERED that the expiration date of the authority granted by Decision No. 42551 of February 23, 1949, as so further amended, in this proceeding, be and it is hereby extended to March 15, 1955, unless sooner changed or further extended by order of the Commission.

This order shall become effective March 15, 1954.

Dated at Los Angeles, California, this 9<sup>th</sup> day of March, 1954.

W. Z. [Signature]  
President  
James D. [Signature]  
Lawrence [Signature]  
John [Signature]  
Donne [Signature]  
Commissioners