

**ORIGINAL**Decision No. 54888

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
 into the rates, rules, regulations, )  
 charges, allowances and practices of )  
 all common carriers, highway carriers )  
 and city carriers relating to the )  
 transportation of fresh or green )  
 vegetables and related items (commod- )  
 ities for which rates are provided in )  
 Minimum Rate Tariff No. 8). )

Case No. 5438

Petition for Modification  
No. 12O P I N I O N

By petition filed February 14, 1956, amended July 16, 1956, George C. Smith, Jr., a highway common carrier, doing business as Smith Transportation Company, seeks authority under Section 452 and 726 of the Public Utilities Code to reduce rates for the transportation of certain fresh fruits and vegetables from the Santa Maria Valley and Lompoc Valley areas to Los Angeles.

Public hearings were held and the matter was submitted by the parties. On request of several of the parties and at the direction of the Commission Examiner Jack E. Thompson made and filed a proposed report containing recommended findings of fact and conclusions of law. Exceptions to the proposed report were due February 28, 1957, and replies to exceptions were due March 15, 1957.

The only exception filed was that taken by the Commission staff. It supported the findings and conclusions of the Examiner with respect to the instant petition. It recommended, in addition to the adopting of the order recommended in the proposed report, that the Commission issue an order amending Minimum Rate Tariff No. 8 to include therein minimum rates of the same volume as those authorized petitioner herein for use by all classes of carriers subject to the tariff. No replies to the exception have been received.

The recommendation of the staff is an issue in that phase of Case No. 5438 arising from the Commission's Order Setting Hearing, dated May 8, 1956. That proceeding was heard on a common record with Petition No. 12 but was not taken under submission and hearing was continued to a date to be set. The matter still being at issue before the Commission, the exception taken by the Commission's staff is overruled.

O R D E R

This proceeding being at issue upon petition of George C. Smith, Jr. and having been heard, and full investigation of the matters and things involved having been made, and the presiding officer in the proceeding on January 8, 1957, having made and filed a report containing findings of fact and conclusions thereon, which report is attached hereto and is hereby referred to and made a part hereof, and which findings and conclusions are adopted by the Commission as its own,

IT IS ORDERED that the recommended order in the proposed report attached hereto be, and it is, approved and adopted as the order of the Public Utilities Commission of the State of California in this proceeding.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 22nd day of April, 1957.

[Signature]  
President  
[Signature]  
[Signature]

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Commissioners