

**ORIGINAL**Decision No. 50777

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of )  
 ALL-STATE TRANSPORTATION CO. INC., )  
 a corporation, for authority to )  
 charge certain rates less than the )  
 minimum for the transportation of )  
 property for the United States )  
 Government between points in Calif- )  
 ornia. )

Application No. 37470

ORDER OF DISMISSAL

Section 530 of the Public Utilities Code was amended in 1955 to provide that, thenceforth, common carriers desiring to transport property for the United States, state, county or municipal governments at rates lower than the minimum rates established pursuant to the Highway Carriers' Act must obtain permission from the Commission.

Applicant seeks authority to maintain rates less than the established minima for the transportation of property for the United States Government.

On March 3, 1958, the Supreme Court of the United States in Public Utilities Commission of the State of California vs. The United States, 2 L. ed. 2d, 470, held that the state may not infringe upon the right of the Federal Government to obtain transportation at such rates as it may negotiate. This decision finally disposed of the case of United States of America, Plaintiff vs. Public Utilities Commission of the State of California, Defendant, Civil Action No. 35101, in the United States District Court for the

Northern District of California, Southern Division.

Therefore, good cause appearing, IT IS ORDERED that the above-entitled application is dismissed.

Dated at Los Angeles, California, this 20<sup>th</sup> day of March, 1958.

Peter E. Mitchell  
President  
Paul S. Lerner  
Montgomery Adair  
Theodore Jensen  
Commissioners