

Decision No. 55772

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of	)	
CAPITOL TANK LINES, INC., for authority	)	
under Section 452 of the Public Utili-	)	
ties Code to establish rates lower than	)	Application No. 37213
its published tariff, for the movement	)	(First Supplemental)
of petroleum products for the United	)	
States Government.	)	

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 San Francisco, California, this 27th day of May, 1958.

*Robert E. Mitchell*  
President  
*Ralph W. L. ...*  
*...*  
*...*  
Commissioners