

Decision No. 51832

ORIGINAL

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 general commodities)
(commodities for which rates are pro-)
vided in Minimum Rate Tariff No. 2).)

Case No. 5432
(Petition for
Modification No. 34)
(Second Supplemental)

ORDER OF DISMISSAL

Decision No. 51832 of August 16, 1955, in Case No. 5432, canceled the rule in Item No. 20 of Minimum Rate Tariff No. 2 which allowed highway permit carriers to deviate from the minimum rates in connection with the transportation of property for the armed forces of the United States. By this supplemental petition, Walter Alves, doing business as Alves Service Transportation, and All-State Transportation Co., Inc., a corporation, sought a sixty-day extension of the effective date of that decision.

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,

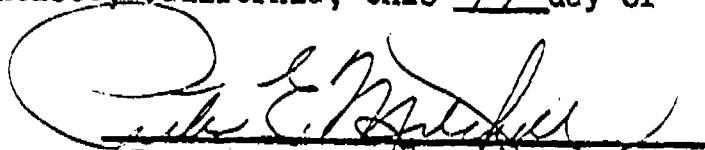
IT IS ORDERED that Second Supplemental Petition No. 34 in Case No. 5432 of Walter Alves, doing business as Alves Service

C. 5432 (Pet. for Mod. 34)(2nd Supp.) AHS

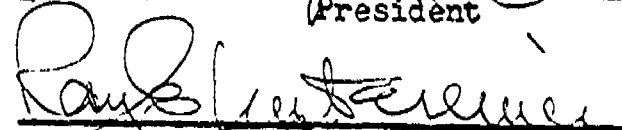
Transportation, and All-State Transportation Co., Inc., a corporation, is hereby dismissed.

This order shall become effective twenty days after the date hereof.

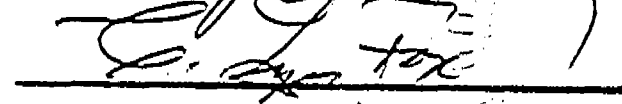
Dated at San Francisco, California, this 17th day of June, 1958.




President









Commissioners