

ORIGINAL

Decision No. 57343

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 household goods carriers,)
common carriers, highway carriers,)
and city carriers, relating to the)
transportation of used household)
goods and related property.)

Case No. 5330
Petition for Modification
No. 5

ORDER OF DISMISSAL

By petition filed August 26, 1955, the California Moving and Storage Association, Inc., requests modification of Minimum Rate Tariff No. 4-A so as to cancel the provisions of paragraph b(2) of Item No. 40 series. The aforesaid provisions state that the minimum rates prescribed in Minimum Rate Tariff No. 4-A will not apply to property transported for the United States, state, county or municipal governments.

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.

It not being within the power of the Commission to prescribe minimum rates for property transported for the United States Government, petitioner was requested to inform the Commission whether it desires to go forward in that portion of the petition relating to

transportation for state, county and municipal governments. It has been several months since the request was made and no reply has been received; therefore, good cause appearing,

IT IS ORDERED that Petition for Modification No. 5 in this proceeding is dismissed.

Dated at San Francisco, California, this 15th day of September, 1958.

E. Lynn Fox
President
Robert L. Decker
Paul J. Osterman
Walter D. Ash
Theodore J. Jenner
Commissioners