

Decision No. 59671**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the status,
 rates, operations and practices
 of RODNEY M. ADDCOX, dba
 SANTA BARBARA SPECIAL DELIVERY.

Case No. 6340

Ivan McWhinney, for applicant.
Hugh W. Orr, for the Commission staff.

O P I N I O N

On August 25, 1959, the Commission issued an order instituting investigation to determine whether Rodney M. Addcox, dba Santa Barbara Special Delivery, filed Supplement No. 2 to his Local Freight Tariff No. 5-B, Cal. P.U.C. No. 3, in violation of Section 454 of the Public Utilities Code.

A public hearing was held before Examiner Thomas E. Daly on December 29, 1959, at Santa Barbara.

The record indicates that respondent is operating as a highway common carrier within the meaning of Sections 213 and 216 of the Public Utilities Code under certificates of public convenience and necessity granted by Decisions Nos. 15819 and 37357; that on December 22, 1958, respondent filed Supplement No. 2 to his Local Freight Tariff No. 5-B, Cal. P.U.C. No. 3, issued pursuant to Decision No. 57545, dated November 3, 1958, in Case No. 5432, which authorized certain increases in Minimum Rate Tariff No. 2; that Decision No. 57545 did not authorize common carriers to increase any rates on traffic wholly exempted from minimum rates; that respondent

is engaged in the transportation of newspaper, moving picture film and paper advertising for film and is exempted from minimum rates; that the Commission, by letter dated January 14, 1959, informed respondent that it would be necessary to remove the unauthorized increases in rates as set forth in Supplement No. 2; that again on March 6, 1959, the Commission, by letter, directed respondent to file an appropriate tariff amendment; that on November 12, 1959, respondent filed Supplement No. 3, reinstating his former rates.

The record further indicates that respondent has been seriously ill for more than a year; that his employees have been operating the business during his illness; that Supplement No. 2 was mistakenly filed and that according to an audit conducted by respondent's accountant covering the period December 28, 1958 to November 30, 1959, the increased rates reflected by Supplement No. 2 were never charged.

After consideration the Commission is of the opinion and finds that the order of investigation should be discontinued.

O R D E R

An investigation having been instituted, a public hearing having been held and the Commission being informed in the premises,

IT IS ORDERED that Case No. 6340 is hereby discontinued.

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

Dated at San Francisco, California, this 16th day of FEBRUARY, 1960.

[Signature]
President
[Signature]
[Signature]
[Signature]
Theodore Jensen
Commissioners