

Decision No. 13020

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of WESTERN UNION TELEGRAPH COMPANY,)
a corporation, to increase certain)
rates for the transmission of intra)
state press dispatches.)

Application No. 7133.

ORIGINAL

BY THE COMMISSION:

OPINION AND ORDER DENYING REHEARING.

A petition for rehearing was filed herein by Western Union Telegraph Company December 15, 1923, requesting the Commission to modify its Decision No. 12876 rendered November 28, 1923, and either grant certain increases in rates theretofore sought by applicant or, if such request be denied, "that such denial be without prejudice to applicant to offer such evidence in support of said application, as it may be advised."

The Commission, having fully considered said petition for rehearing, is of the opinion, as set forth in its Decision No. 12876 above referred to, that the increase in rates for press dispatches, for which authorization was sought by applicant, was not shown to be justified and that the grounds set forth in said petition for rehearing are insufficient to justify the granting of said petition. There appears to be no good reason, however, why the denial of such rehearing should ^{not} be made without prejudice to the right of applicant, if it be so advised, to apply by supplemental petition or application for a reopening.

of this proceeding for the purpose of introducing additional evidence in support of its request for authorization of increased rates.

Petitioner has also called attention to a statement contained in the opinion preceding the order in said Decision No. 12876 "that the Interstate Commerce Commission has authorized for interstate press messages the same increase now sought for intrastate press messages; that in 27 of the states similar increases for intrastate press business have been authorized by the state regulatory bodies." The fact appears to be that such increases have become effective as to all interstate messages, and in 37 states, as to intrastate messages. As to all interstate messages, and in some instances as to intrastate business, such increases took effect under the existing provision of law without previous specific authorization by the Interstate Commerce Commission or state regulatory bodies, as the case might be. In some of the states, however, the authorization was obtained, as stated in our prior opinion.

IT IS HEREBY ORDERED, that the petition for rehearing filed herein by Western Union Telegraph Company on December 15, 1923, be, and the same is hereby denied.

This order shall be deemed without prejudice to the petitioner to apply for a further order herein reopening this proceeding for the purpose of receiving additional evidence in support of the original application.

Dated at San Francisco, California, this 9th day of January, 1924.

Al Seavey
H. B. Bond
J. W. Martin
Garbon Shore
J. H. Whittney
COMMISSIONERS.