

Decision No. 14703

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
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ORIGINAL

Bishop & Bahler, a Corporation,)
Complainant,)

vs.)

Southern Pacific Company, et al.,)
Defendants.)

CASE NO. 2055

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In the Matter of the Amendments)
to the Minimum Class Rates and)
Minimum Car Charge Schedule as)
set forth in tariffs of carriers)
operating under the jurisdiction)
of the Railroad Commission of the)
State of California.)

CASE NO. 2070

BY THE COMMISSION:

ORDER OF DISMISSAL

It appearing that by an order dated November 18, 1924 and as supplemented March 5, 1925, this Commission entered upon a hearing in Case No. 2070 concerning the lawfulness of the regulations and practices stated in the schedules enumerated and described in said orders, which involved the minimum weights of the Western Classification in connection with commodities moving under the minimum class rate scale, and suspended the operation of said schedules until September 18, 1925;

It further appearing that a hearing was held January 15, 1925 and the proceeding submitted;

It further appearing that the Interstate Commerce Commission in a parallel proceeding, Investigation and Suspension Docket No.2266, involving the same issues, concluded by decision rendered February 27,1925, that the carriers had not justified the proposed schedules and ordered the same cancelled on or before April 13,1925. The Interstate Commerce Commission, in its order, set forth that if any charges had been assessed by the defendants on the basis of minimum class rates and minimum weights provided by the classification when their exceptions provide different minimum weights, they have been doing so in disregard of the provisions of their tariffs.

It further appearing that the defendant carriers, through their Agent, F.W.Gomph, notified this Commission under date March 17,1925 that they would put into effect on intrastate traffic within California a rule corresponding with that called for by the Interstate Commerce Commission's decision February 27,1925; this voluntary action of the carriers making unnecessary an opinion and order;

It further appearing that Case No. 2055 involving the same tariff items is likewise disposed of by the order of the Interstate Commerce Commission and the voluntary action of the defendant carriers, and the complainant in this proceeding having notified the Commission, in writing, March 19,1925, that it has no objection to dismissal of Case No. 2055;

IT IS ~~HEREBY~~ ORDERED that the defendants herein be and they are hereby notified and required to cancel said schedules on or before April 13, 1925 upon notice to this Commission and to

the general public by not less than one (1) day's filing and posting in the manner prescribed in Section 14 of the Public Utilities Act.

IT IS HEREBY FURTHER ORDERED that Cases No.2055 and No.2070 be and the same hereby are dismissed.

Dated at San Francisco, California, this 24th day of March, 1925.

H. R. Brundage

C. A. Seaver

George D. Squires

Commissioners