

Decision No. 18308.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Suspension by the
Commission on its own motion, of Freight
Tariff No. 3068, C.R.C. No. 3218, issued by
the Southern Pacific Company, and Item No.
1739-B, second revised page 198-D Tariff
No. 36-F, C.R.C. No. 257, issued by the
Western Pacific Railroad Company, naming
reduced rate on common brick in carloads
from Stockton to Marysville.

Case No. 2346.

James S. Moore, Jr., for Western Pacific, Respondent,
Sanborn, Roehl & Delancey C. Smith, for Sacramento
Brick Company, Protestant,
Frank B. Austin, for San Joaquin Brick Company,
Intervenor.

SEAVEY, Commissioner:

O P I N I O N

By order dated April 4, 1927, this Commission entered upon a hearing concerning the lawfulness of a 7 $\frac{1}{2}$ ¢ rate on common brick from Stockton to Marysville, as named in Item No. 1739-B, Western Pacific Tariff No. 36-F, C.R.C. No. 257, and Southern Pacific Tariff No. 3068, C.R.C. No. 3218, and ordered that such rate be suspended for 120 days.

At the public hearing held on April 22, 1927, it was agreed and stipulated between the respondents Western Pacific and Southern Pacific, and protestant Sacramento Brick Company, and intervenor San Joaquin Brick Company, that the rate under suspension should be cancelled. I find that the proceeding should be dismissed.

O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been submitted, the Commission being duly advised, and basing this order on the findings set forth in the preceding opinion,

IT IS ORDERED, that respondent Southern Pacific Company and Western Pacific Railroad Company be and they are hereby notified and required to cancel rate of 7 $\frac{1}{2}$ ¢ on brick Stockton to Marysville upon notice to the Commission and to the general public by not less than 1 day's filing and posting in the manner prescribed in Section 14 of the Public Utilities Act, and that this proceeding be dismissed.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 2nd day of May, 1927.

Edmund G. ...
H. B. ...
Chas. ...
Leon Whitell
Thos. B. ...
Commissioners.