

Decision No. 21275

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

J. E. JOENSTON, doing business as
Johnston Rock Company,

Complainant,

vs.

SOUTHERN PACIFIC COMPANY,
THE WESTERN PACIFIC RAILROAD COMPANY,
SACRAMENTO NORTHERN RAILWAY,
INDIAN VALLEY RAILROAD COMPANY,

Defendants.

Case No. 2647.

BY THE COMMISSION:

ORDER ON PETITIONS FOR REHEARING.

The Commission on June 18, 1929, rendered its Opinion and Order No. 21255 in the above numbered case. The complaint alleged that there were no joint rates in effect on crushed rock, sand and gravel between Butte Creek on the Southern Pacific via Chico, thence Sacramento Northern to Oroville, thence to destinations on the Western Pacific Railroad between Tambo and Calneva. In substance the Commission concluded there was a necessity for the establishment of this through route and ordered the publication of joint rates.

Complainant filed its petition for rehearing July 18, 1929, contending the joint rates ordered into effect were not reasonable for the service performed via the three line routes.

Defendant Southern Pacific Company filed its petition July 19, 1929, alleging that the Commission erred in finding and

concluding that joint rates should be established for application via its line Butte Creek to Chico, Sacramento Northern Chico to Oroville, and Western Pacific Oroville to the destination points, their contention being that since the Southern Pacific originated the tonnage and can transport the same through Chico and Marysville to Oroville, the rates ordered into effect violate the provisions of Section 33 of the Public Utilities Act, which section refers to the right of a common carrier to transport between its terminal tonnage originating on its own rails.

The Commission has given careful consideration to these two petitions for rehearing and to each and every allegation contained therein and has also reviewed the record and briefs, and being of the opinion that no good cause for granting the petition of complainant has been shown,

IT IS HEREBY ORDERED that the said petition of complainant for rehearing be and the same is hereby denied.

IT IS HEREBY FURTHER ORDERED that the petition of defendant Southern Pacific Company be granted in so far as it refers to a violation of Section 33 of the Public Utilities Act.

IT IS HEREBY FURTHER ORDERED that this proceeding as outlined in the preceding paragraph be and it is hereby reopened for further hearing on Tuesday the 24th day of September, 1929, at 10 o'clock A.M. before Examiner Geary in the Court Room of the Commission, 520 State Building, San Francisco.

IT IS HEREBY FURTHER ORDERED that the effective date of the Commission's decision in the above entitled proceeding, originally set for July 8, 1929, and by supplemental order extended until July 30, 1929, be and it is hereby extended until

further notice of the Commission.

Dated at San Francisco, California, this 20th day
of August, 1929.

Paul D. Lewis

Ernest J. ...
Leon ...

M. A. ...
Commissioners.