

Decision No. 22732.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

THE FRENCH SARDINE CO. OF CALIFORNIA, INC., )  
 VAN CAMP SEA FOOD CO., INC., )  
 STEWART CURTIS PACKERS, INC., )  
 SOUTHERN CALIFORNIA FISH CORPORATION, )  
 ITALIAN FOOD PRODUCTS CO., INC. )  
 COAST FISHING COMPANY, )  
 Complainants, )

vs. )

LOS ANGELES & SALT LAKE RAILROAD COMPANY, )  
 SOUTHERN PACIFIC COMPANY, )  
 PACIFIC ELECTRIC RAILWAY COMPANY and )  
 THE ATCHISON, TOPEKA AND SANTA FE RAILWAY )  
 COMPANY, )  
 Defendants. )

ORIGINAL

Case No. 2825.

B. H. Carmichael and F. W. Turcotte, for complainants.  
 James E. Lyons, for Southern Pacific Company.  
 E. E. Bennett, for Los Angeles & Salt Lake Railroad  
 Company.  
 Frank Karr and R. E. Wedekind, for Pacific Electric  
 Railway Company.  
 C. K. Adams and G. E. Duffy, for The Atchison, Topeka  
 and Santa Fe Railway Company.  
 L. K. Keith, for California Packing Corporation,  
 intervener.  
 B. H. Carmichael and F. W. Turcotte, for General Fish-  
 eries Corporation, intervener.

BY THE COMMISSION:

OPINION

By complaint filed February 25, 1930, complainants al-  
 lege that a rate of 10 cents per 100 pounds, minimum weight 14,000  
 pounds, subject to Rule 34 of the Current Western Classification,  
 assessed and collected during the period extending from December  
 15, 1927, to February 5, 1930, for the transportation of tin cans  
 and tin can tops, in straight or mixed carloads, or in mixed car-  
 loads with tin can opening keys, from Los Angeles to San Pedro,

East San Pedro, Wilmington, Los Angeles Harbor and Long Beach, was, is, and for the future will be unjust and unreasonable in violation of Section 13 of the Public Utilities Act, and unduly prejudicial and preferential in violation of Section 19 of the Act.

The California Packing Corporation and General Fisheries Corporation intervened on behalf of complainants.

A public hearing was held before Examiner Geary at Los Angeles on April 22, 1930. At the hearing it was agreed to confine the record to receiving evidence and testimony from complainants relating to the paying and bearing of the freight charges as defendants were then giving consideration to making a readjustment of the rate under attack to meet motor truck competition. The proceeding was held open with the understanding that an adjourned hearing would be held to complete the record if defendants and complainants could not reach an agreement.

Subsequent to the hearing, defendants published effective July 1, 1930, on the commodities, and from and to the points involved in this complaint, a rate of 8 cents per 100 pounds, minimum weight 22,000 pounds, to apply as an alternative to the rate under attack. Complainants and interveners have advised us in writing that the establishment of this rate will satisfy the complaint.

Under the circumstances an adjourned hearing will not be necessary and the complaint should be dismissed.

#### O R D E R

This case having been filed and the matters and things complained of having been satisfactorily adjusted, and good cause

appearing, therefore

IT IS HEREBY ORDERED that Case No. 2825 be and it is hereby dismissed, without prejudice.

Dated at San Francisco, California, this 4<sup>th</sup> day of August, 1930.

Cl Seavey

Leon C. Kelly  
W. S. L. L.

Commissioners.