

Decision No. 23193.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Suspension by
 the Commission on its own motion of
 Supplement No. 11 to Pacific Freight
 Tariff Bureau Joint Freight Tariff
 No. 131-E, C.R.C. No. 444.

Case No. 2941.

Sanders & Jacques, by Hugh A. Sanders; and L. E.
 Stewart, for the protestant.
 R. G. Dilworth, for San Diego & Arizona Railway
 Company, respondent.
 E. W. Camp, Mark W. Reed, C. K. Adams and Berne
 Levy, for The Atchison, Topeka and Santa Fe
 Railway Company, respondent.

DECOTO, Commissioner:

OPINION

By our order of October 17, 1930, in the above entitled proceeding the Commission suspended for a period of 120 days a reduced rate of 4 cents per 100 pounds on stone, sand and gravel from Otay Gravel Pit on the San Diego & Arizona Railway to Sorrento, Solano Beach, Encinitas and Vista on The Atchison, Topeka and Santa Fe Railway, published to become effective October 20, 1930, in Supplement 11 to Pacific Freight Tariff Bureau Joint Freight Tariff 131-E, C.R.C. 444. The reduced rate was suspended upon complaint of the Calavera Rock Corporation, alleging that it was unduly prejudicial to complainant. Prior to the publication of the proposed rate of 4 cents per 100 pounds respondents maintained rates from Otay Gravel Pit of $4\frac{1}{2}$ cents per 100 pounds to Sorrento and Solano Beach, 5 cents per 100 pounds to Encinitas and $5\frac{1}{2}$ cents to Vista.

At the hearing at Los Angeles November 7, 1930, respondents stated they desired to cancel the reduced rates and

that they had petitioned the Commission for authority to restore the higher rates previously in effect. The authority was subsequently granted, and the higher rates became effective December 3, 1930, in Supplement 15 to Pacific Freight Tariff Bureau Tariff No. 131-E, C.R.C. 444. Complainant stipulated that this action would satisfy its complaint.

As the cause for suspension has now been removed, our order of October 17, 1930, should be vacated and this suspension proceeding discontinued.

I recommend the following form of order:

O R D E R

Upon consideration of all the facts of record, and good cause appearing therefor,

IT IS HEREBY ORDERED that our order of October 17, 1930, in the above entitled proceeding, suspending reduced rates on stone, sand and gravel from Otay Gravel Pit to Sorrento, Solano Beach, Encinitas and Vista as published in Supplement 11 to Pacific Freight Tariff Bureau Joint Freight Tariff 131-E, C.R.C. 444, be and it is hereby vacated and set aside.

IT IS HEREBY FURTHER ORDERED that this proceeding be and it is hereby discontinued.

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 17th day of December, 1930.

CL. Jones
Emmert

Thos. D. Lewis