

Decision No. 25197.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

THE ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY, a corporation,
SOUTHERN PACIFIC COMPANY,
a corporation, and
PACIFIC MOTOR TRANSPORT COMPANY,
a corporation,

Complainants,

vs.

MOTOR FREIGHT TERMINAL COMPANY,
a corporation,

Defendant.

ORIGINAL

Case No. 3286.

A. Burton Mason, G. E. Duffy and Berne Levy,
for complainants.
John M. Atkinson and Wallace K. Downey, by
Wallace K. Downey, for defendant.
Edward Stern, for Railway Express Agency,
Incorporated.
L. E. Wolters for Golden State Company,
Limited, Adohr Dairies, and Western
Dairy Products, interveners.

BY THE COMMISSION:

OPINION

Complainants and defendants are common carrier transportation companies. By this complaint filed June 23, 1932, the complainants allege that Rule No. 352-A in defendant's Local Freight Tariff No. 7, C.R.C. No. 7, effective April 30, 1932, is unjust, unreasonable and insufficient, in violation of Section 13 of the Public Utilities Act; that it results in unlawful discrimination as between shippers, in violation of Section 19 of the Act, and that the charges are in violation of Section 17 of the Act.

Hearing was held November 15, 1932, at Los Angeles before Examiner Geary and certain testimony received, when an adjournment was taken until January 10, 1933.

The rule in controversy provides that when the freight is loaded by the consignor and unloaded by the consignee without delays to carrier's equipment and all charges are prepaid, the amount collected will be 70% of the existing class or commodity rates.

The testimony revealed that the rule was originally published many years ago by defendant's predecessor company; that it has not been and is not being used by the shippers; that standing alone it provides rates less than reasonably compensatory, and that it applies only between selected points.

Defendant admitted the rule to be unreasonable and undesirable and agreed with complainants that it should be abolished. The rule has been cancelled by appropriate tariff publication effective January 7, 1933.

It follows that the proceeding should be dismissed.

C R D E R

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

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

Dated at San Francisco, California, this 19th day of December, 1932.

W. L. Leary
Leon Whiteley
M. J. Cunn
W. B. Blain
Fred G. Stewart
Commissioners.