

Decision No. 10542.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation of
the cement rates of the Atchison, Topeka
& Santa Fe Railway Company (Coast Lines),
Bay Point & Clayton Railroad Company,
California Central Railroad Company,
Cement, Tolenas & Tidewater Railroad Company,
Central California Traction Company,
Los Angeles & Salt Lake Railroad Company,
Modesto & Empire Traction Company,
Northwestern Pacific Railroad Company,
Pacific Electric Railway Company,
Peninsular Railway Company,
Petaluma & Santa Rosa Railroad Company,
Sacramento Northern Railroad,
San Diego & Arizona Railway Company,
San Francisco-Sacramento Railroad Company,
San Joaquin & Eastern Railroad Company,
Sierra Railway Company of California,
Southern Pacific Company,
Sunset Railway Company,
Tidewater Southern Railway Company,
Visalia Electric Railroad Company,
Western Pacific Railroad Company,
Yosemite Valley Railroad Company.

ORIGINAL

CASE NO. 1673.

BY THE COMMISSION:

ORDER OF DISMISSAL

By schedules filed to become effective August 24, 1921,
the Southern Pacific Company proposed to readjust the carload cement
rates applying from Davenport, Chittenden and San Juan, as published
in the following Tariffs of the Southern Pacific Company:

584-C, C.R.C. 2530
203-D, C.R.C. 2510
763-E, C.R.C. 2555
360-K, C.R.C. 2559
961-E, C.R.C. 2490.

Upon protest of the Pacific Portland Cement Company.

operating a competing cement plant, the schedules were suspended for 120 days. On December 10, 1921 the suspension order was extended to not exceeding six months from December 22, 1921, making the final date of suspension June 22, 1922, that being the limit of the suspension power of this Commission under the provisions of Section 63 of the Public Utilities Act. The carrier has since voluntarily further extended the effective date of the rates under suspension.

The Commission, on its own motion, instituted an investigation into the justness and reasonableness of all local and all joint rates now in effect and which are in suspension for the transportation of cement between any and all points within the State of California moved by the different carriers, based mainly upon the conditions existing at the time the proceeding was commenced, which conditions will have been materially changed under the reductions ordered by the Interstate Commerce Commission in its Docket No. 13293, to become effective July 1, 1922. In view of the fact that the rates under suspension are primarily a question of relationship rather than of reasonableness, the situation can be disposed of in a new proceeding calling into question only the rates in controversy at points between the cement producing points and destinations in Northern California.

The Commission is of the opinion that this general investigation of the cement rates should be discontinued at this time and a new proceeding instituted calling into question only the rates involved in the suspension orders issued in Cases 1644 and 1648.

IT IS HEREBY ORDERED that the orders heretofore made
in this proceeding be, and they are hereby vacated and set aside
as of _____, 1922, and that this proceeding be discontinued.

Dated at San Francisco, this 24 day of June,
1922.

H. C. Brundage

Charles H. Taylor

J. J. Brennan
Commissioners.