

DECISION NO. 1

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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Dairymen's Co-operative Creamery Association,)

Complainant.

vs.

Wells Fargo & Company,

Defendant.

Case No. 694

Riverdale Co-operative Creamery Association,)

Complainant.

vs.

Wells Fargo & Company,

Defendant.

Case No. 695

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H. B. Harris, for Complainants,

Alfred Sutro, for Defendant.

GORDON, Commissioner:

O P I N I O N

On October 6, 1914, the Dairymen's Co-operative Creamery Association, Tulare, California, filed complaint attacking Express rate on Butter between Tulare and Los Angeles. On the same date, the Riverdale Co-operative Creamery Association, Riverdale, California, also filed a complaint. The points involved being substantially identical, it was stipulated and agreed by Counsel for litigants at hearing held at Fresno, California, on March 11th, 1915, that both cases be consolidated and a decision in Case No. 694 would likewise dispose of Case No. 695. Thereupon the Commission proceeded to take testimony in the former case. Shortly thereafter a recess was ordered as it appeared to the Commission that the rates in controversy could be amicably adjusted. Upon resumption of the

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hearing Counsel for plaintiffs and defendant orally requested that they be permitted to withdraw the complaints and answers, which the Commission granted upon the understanding that the request for such withdrawal be confirmed in writing and upon the further understanding that the express rates, mutually agreed upon between Tulare and Los Angeles and Riverdale and Los Angeles would be published and filed with the Commission within a reasonable period. In compliance with the above request I recommend that the complaints be dismissed.

O R D E R

A hearing having been held in the above cases, and the contestants having stated that a mutual understanding concerning the rates in controversy had been reached, and contestants having joined in a request that the complaints be dismissed:

IT IS HEREBY ORDERED: That, the defendant publish and file with the Commission within twenty (20) days from the date of this order the rates mutually agreed upon.

IT IS FURTHER ORDERED: That, the complaint of the Dairy-men's Co-operative Creamery Association and the Riverdale Co-operative Creamery Association be and the same are hereby dismissed.

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 13th day of March, 1915.

Max Thelen
W. S. ...
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Frank ...