

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the regulation of rates)
for the carrying of freight between the)
streets within the business district of)
the City of Los Angeles and Los Angeles)
Harbor by Southern Pacific Company and)
San Pedro, Los Angeles and Salt Lake Rail-)
road Company.)

Case No. 313

On the Commission's own initiative.

- C. W. Durbrow and Geo. D. Squires for Southern Pacific Company.
- A. S. Halsted for San Pedro, Los Angeles and Salt Lake Railroad Company.
- John W. Shenk, City Attorney, for the City of Los Angeles.
- Loeb and Loeb, and Leslie R. Hewitt for Los Angeles Harbor Commission.

ESHERMAN AND LOVELAND, COMMISSIONERS.

O P I N I O N

On October 4, 1911, the Commission rendered its decision in Case No. 115, in which it prescribed a schedule of class and commodity rates to be put into effect by the Southern Pacific Company between Los Angeles and the harbor at San Pedro. In consequence of this decision, the San Pedro, Los Angeles and Salt Lake Railroad Company voluntarily reduced its rates between these same points in order to meet the schedule prescribed by this Commission in the decision affecting the Southern Pacific Company.

One of the elements considered by the Commission in determining the schedule of rates prescribed in Case No. 115 was the absorption of the wharfage and handling charges by the Southern Pacific Company at San Pedro, which fact was expressly noted in the decision in the following language:

"We do not make as great a reduction in these rates as we believe the evidence would justify, because of the absorptions which the carriers make. If it were not for the making of these absorptions, shown in the tariffs affected, we are of the opinion that the rates ordered in by the Commission are still too high, but absorptions and all other circumstances considered, we are still of the opinion that the rates set out in the original order are reasonable rates."

Thereafter, the carriers operating between Los Angeles and the harbor, filed applications to cancel these wharfage and handling charges and on October 14, 1912, the Commission rendered its decision in this application, being application No. 253, by which decision the Southern Pacific, San Pedro, Los Angeles and Salt Lake and the Atchison, Topoka and Santa Fe were permitted to cancel these items in their tariffs providing for the absorption of wharfage and handling charges and to make a distinct and separate charge therefor.

The Commission being of the opinion that the decision in Application No. 253, which under the law it was required to make, practically reestablished the conditions as regards the rates on traffic between Los Angeles and the harbor which had existed before the decision in Case No. 115, this present action was commenced on the Commission's own initiative with the view of bringing about the rate condition which the Commission intended to produce by its decision in Case No. 115.

Since the initiation of this present case, the effective date of the decision in Application No. 253 has, from time to time, been extended with the purpose of preventing the absorption order from going into effect until the Commission could again revise the rates, as it would have done had no absorption applied at the time of the decision in Case No. 115, and up to the present time the order in Application No. 253 has not gone into effect. These extensions have been made because the carriers and the representatives of the shippers, understanding that the Commission intended, unless evidence

should be introduced changing its opinion, to reduce the rates put in in Case No. 115 by the same amount as the elimination of the absorption would increase them, asked permission to treat respecting these rates with a view to the settlement of the case without further formal proceedings. The carriers involved have now filed with the Commission class and commodity rates which are satisfactory to the Associated Jobbers of Los Angeles, representing the shippers affected, and the Harbor Commission of Los Angeles, representing the city, and which rates the Commission is of the opinion practically re-establish the condition which the decision in Case No. 115 brought about.

Such being the case, we recommend that Case No. 313 be dismissed and the order in Case No. 253 be made effective concurrently with the going into effect of the tariffs so filed.

We submit the following order.

O R D E R

The Commission heretofore having initiated the above proceeding for the reasons set out in the opinion hereto, and the carriers having filed with this Commission rates which are satisfactory to all of the parties involved and which, in the opinion of the Commission, will substantially accord to the adjustment made in Case No. 115 heretofore decided by this Commission, and being fully advised in the premises,

IT IS HEREBY ORDERED that the above case be and the same is 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 15th day
of April, 1913.

John M. Eschbacher

H. H. Loveland

May Helen

Commissioners.