

Decision No. 6682BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.
- - - - -BRAY LUMBER & BOX COMPANY,)
PACIFIC SHINGLE & BOX COMPANY,)
and McARTHUR & KAUFFMAN,)

Complainants,)

vs)

SOUTHERN PACIFIC COMPANY,)

Defendant.)

ORIGINAL

CASE NO. 1079.

BY THE COMMISSION:

OPINION

This case is before the Commission in an application of the Southern Pacific Company for a rehearing of the opinion and order issued March 25, 1918, wherein defendant was ordered to remove the discrimination found to exist in the freight rates in effect for the transportation of mill refuse from producing points north of Red Bluff to Sacramento, Stockton, San Jose and San Francisco. The application for rehearing is based upon the contention that this Commission, by reason of the proclamation of the President of the United States, effective December 28, 1917 and the Federal Control Act, passed March 21, 1918, has no jurisdiction over the rates in question.

In the decision of the U.S. Supreme Court rendered June 2, 1919, Northern Pacific Railway Company and Walker D. Hines vs the State of North Dakota, the sovereignty of the federal authorities to fix intrastate rates under the grant of war power made by Congress, was upheld.

This Commission now being without authority to regulate

