

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

TRAFFIC BUREAU OF THE
STOCKTON CHAMBER OF COMMERCE,

Complainant.

vs

SOUTHERN PACIFIC COMPANY,
WESTERN PACIFIC RAILROAD COMPANY,
ARCEISON TOPEKA & SANTA FE RAILWAY COMPANY,
(COAST LINES),
TIDEWATER SOUTHERN RAILWAY COMPANY,
SIERRA RAILWAY OF CALIFORNIA,
VISALIA ELECTRIC RAILROAD,
SUNSET RAILWAY,

Defendants.

CASE NO. 1156.

BY THE COMMISSION:

ORDER OF DISMISSAL

This complainant alleges that class rates from San Francisco, San Jose, Oakland and Sacramento to points in the San Joaquin Valley, on lines of carriers defendants herein, and points on the Valley Springs and Lone Branches of the Southern Pacific Company are discriminatory and preferential as compared with the class rates from Stockton to same points of destination.

Incidental to the main complaint are involved the related class rates to points on lines of the defendant carriers.

In Case No. 116, decided March 28, 1912, reported on page 95, Vol. 1 of the Opinions and Orders of this Commission, class rates were established between Stockton and points in the San Joaquin Valley, while rates between San Francisco and same points were made by adding an arbitrary to the Stockton rates, based on the local rates between San Francisco and Stockton, which were on a 10 cent scale because of

competition between the railroads and water carriers. Complainant's position is that, due to the cessation of water competition between San Francisco and Stockton and the re-instatement of the 18-cent scale formerly carried between these points by order of the Commission in Application No. 885, reported on page 499, Vol. 13 of the Opinions and Orders of the Commission, the class rates from San Francisco to San Joaquin Valley points should be increased on basis of the mileage scale employed by the Commission in establishing rates between Stockton and the San Joaquin Valley.

Before the case could be heard the principal defendant carriers became subject to federal control and under the terms of the Federal Control Act of March 21, 1918, which were upheld by the U.S. Supreme Court in the case of Northern Pacific Railway Company, et al. vs. the State of North Dakota, et al., the various State regulatory bodies are without jurisdiction over the rates of such carriers.

In the absence of jurisdiction, it follows that this case should be dismissed.

O R D E R

The Commission being without jurisdiction in the above entitled proceeding.

IT IS HEREBY ORDERED that the same be and it is hereby
dismissed.

Dated at San Francisco, California, this 2nd day
of October, 1919.

Edwin C. Edgerton
H. D. Loveland
Frank R. Nelson

Commissioners.