

Decision No. 6887

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

SAN FRANCISCO CHAMBER OF COMMERCE,)
Complainant,)

vs.)

SOUTHERN PACIFIC COMPANY, et al.,)
Defendants.)

CASE NO. 417.

IN THE MATTER OF THE COMMISSION'S)
INVESTIGATION INTO THE LUMBER RATES)
OF THE ATCHISON, TOPEKA & SANTA FE)
RAILWAY COMPANY, ET AL.)

CASE NO. 475.

BY THE COMMISSION:

ORDER OF DISMISSAL

These proceedings have been consolidated by stipulation of the interested parties, all of the testimony and exhibits presented at the different hearings are applicable to both cases.

Case No. 417 was filed June 24, 1913 by the San Francisco Chamber of Commerce against the Southern Pacific Company and called into question carload lumber rates applying between San Francisco and all points within the State of California, on the allegation that they were unjust, unreasonable and excessive and in violation of Section 13 of the Public Utilities Act.

Case No. 475, filed October 7, 1913, is an investigation on this Commission's own motion into the reasonableness of all of the intrastate lumber rates of the Atchison, Topeka & Santa Fe Railway Company, San Pedro, Los Angeles & Salt Lake Railroad Company, Northwestern Pacific Railroad Company, Southern Pacific Company and

Western Pacific Railway Company.

There were a number of interveners in both proceedings. The cases were submitted February 20, 1918, after a number of hearings had been held, a great amount of testimony taken and numerous exhibits presented. The final briefs, however, were never filed.

On May 17, 1918 defendants presented a supplemental answer to the complaint, wherein they alleged that this Commission had lost jurisdiction over the cause of action and, therefore, could enter no lawful order; this based on the allegation that on December 28, 1917 the President of the United States, as a war emergency measure, took possession and control of the operating properties of these defendants, and that such action was authorized and confirmed by the Congress of the United States March 21, 1918, Law S. 3752, entitled "An act to provide for the operation of transportation systems while under federal control for the just compensation of their owners and for other purposes".

The Supreme Court of the United States, on June 2, 1919, in the case of Northern Pacific Railway Company, et al, vs. The State of North Dakota, et al, decided that the power of the federal government is supreme over the intrastate rates of federal controlled railroads.

In view of the decision of the U. S. Supreme Court and because of the radical changes in the circumstances and conditions since the testimony and exhibits were presented, no good would be

accomplished by continuing the cases in the Suspense Docket.

IT IS THEREFORE ORDERED that the above entitled proceedings be and the same are hereby dismissed without prejudice.

Dated at San Francisco, California, this 18th day of November 1919.

Edwin O. Egerton

H. L. Ward

H. T. Brundage

J. W. Martin
Commissioners.