

Decision No. 9196

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application )  
of Southern Pacific Company for )  
readjustment of switching charges )  
at San Francisco, Oakland and Los )  
Angeles, California. )

APPLICATION NO. 6390.

Elmer Westlake, for Southern Pacific Company,  
Sanborn & Roehl, by A.B. Roehl, for South San Francisco  
Chamber of Commerce,  
Seth Mann, for San Francisco Chamber of Commerce.  
E. W. Hollingsworth, for Oakland Chamber of Commerce.

BENEDICT, Commissioner:

OPINION ON APPLICATION FOR REHEARING

On June 1, 1921, the Southern Pacific Company, defendant in this proceeding, filed with the Railroad Commission a petition for a rehearing on Decision No. 8960, Application No. 6390, issued May 12, 1921.

This proceeding involves the switching charges and the switching limits at San Francisco, Oakland and Los Angeles and is supplemental to and a part of Cases 1149 and 1433, the first of which, after having been submitted, was dismissed without prejudice on October 2, 1919 because of Federal control, and the second was disposed of October 11, 1920 (Decision No. 8221). By Decision No. 8221 this defendant was ordered to remove, among other adjustments, on or before December 10, 1920, the discriminations found to exist

in the intrayard switching charges at San Francisco, Oakland and Los Angeles. This application to make the intrayard switching adjustments was presented upon an informal petition December 2, 1920, but by reason of protests from interested shippers was placed on the formal docket under No. 6390, and hearings were held at San Francisco and Los Angeles.

The effective date of our order in Decision No. 8960 was, upon request of the defendant, extended to June 13, 1921, and further extended to July 11, 1921.

Oral arguments upon the petition for a rehearing were presented before Commissioner Benedict on June 27, 1921 by the defendant, complainant and the interveners and the matter is now ready for final action.

The petitioner presents nine reasons why a rehearing should be granted, but it will not be necessary to deal with each contention, the main objection being that ~~our~~ Decision No. 8960, May 12, 1921, is unlawful on the grounds that it is not supported by evidence; that the rates prescribed are confiscatory; that there was no evidence before the Commission upon which to predicate the proposed rates; that the order is in violation of the State Constitution and of the Public Utilities Act, and that it would interfere with similar traffic in connection with interstate and foreign commerce.

The South San Francisco Chamber of Commerce filed a motion seeking modifications of the decision and order in connection with the minimum carload charges, and alleged violation of the long and short haul provisions of the State Constitution and the Public Utilities Act. The matters referred to in this motion have re-

ceived our consideration and we see no reason why the suggested changes should be made in the order as outlined by the complainant.

The controversy involving this switching situation has been before us since September 19, 1917, when original Case No. 1149 was filed. There have been four submissions - first, in Case 1149; second, in Case 1433; third, in Application 6390 and fourth, on this argument for a rehearing. A total of 31 exhibits were filed by the complainant, 1 by the interveners and 41 by the defendants. The transcript of all testimony covers 1427 pages. Certainly the petitioner has had every opportunity to present its side of the situation.

In the light of the whole record, which has been carefully reviewed and reconsidered, we adhere to our original conclusion as to the justness and reasonableness of the rates ordered in.

We see no merit in the application for rehearing.

ORDER DENYING APPLICATION FOR REHEARING

The defendant having, on June 1, 1921, filed an application for rehearing herein and the Commission having heard the oral arguments on June 27, 1921, and being of the opinion that there is no merit to applicant's contention,

IT IS HEREBY ORDERED that the application for a rehearing be and the same is hereby denied.

IT IS HEREBY FURTHER ORDERED that the adjustment of the switching charges and the switching limits as set forth in

Decision No. 8960, Application No. 6390, May 12, 1921, be  
published in proper tariff and become effective July 11, 1921.  
Dated at San Francisco, California, this 30<sup>d</sup> day of June.

1921.

H. N. Brundage  
H. J. Leland

J. P. [Signature]  
Commissioners.