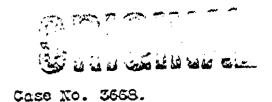
Decision No. 28358

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on the Commission's own motion into the lawfulness of joint rates set forth in Local and Joint Freight Teriff C.R.C. No. 5 of SACRAMENTO MOTOR TRANSPORT and the suspension of Supplement No. 4 thereof.



- E. J. Foulds and R. S. Myers for Southern Pacific Golden Gate Ferries, Ltd.; and Sacramento Motor Transport.
- J. E. Monroe, for Sacremento Motor Transport.
- Corald E. Duffy and Borne Levy, for The Atchison, Topeka and Santa Fe Railway Company.
- McCutchen, Clney, Mannon & Greene, by J. O. Moren, for The River Lines.
- Sanborn & Roehl, by E. H. Sanborn, for Valley Motor Lines.

BY THE COMMISSION:

ORDER VACATING ORDER OF SUSPENSION

The Commission by order dated August 22, 1933, instituted an investigation on its own motion into the lawfulness of all joint rates set forth in Secremento Motor Transport Local and Joint Freight Tariff C.R.C. No. 5 and supplements thereof. It also suspended until September 23, 1933, Supplement No. 4 to said C.R.C. No. 5 of Secremento Motor Transport naming joint rates filed to become effective August 23, 1933. The proceeding was instituted for the purpose of determining the lawfulness of the filing by carriers of various classes of schedules naming joint rates with other carriers of the

same or different class.

A public hearing was had before Examiner Rowell at San Francisco September 12, 1933, during which it was urged that the matter should be presented by briefs. It was accordingly agreed that any interested party might do so within thirty days and within twenty days thereafter file a supplemental or reply brief. Respondent pointed out that the determination of this proceeding may take some time and that numerous other carriers of like kind have heretofore filed joint rates under which they are now operating. It contends that it would be unfair to hold up its teriff while this question is being considered.

In order, therefore, that during the interim respondent may be accorded the same privilege as is enjoyed by other carriers, our order of August 22, 1933, in so far as it operates to suspend Supplement No. 4 to Sacramento Motor Transport Local and Joint Preight Tariff C.R.C. No. 5 should be vacated. This must not be construed however as in any manner approving the filing of such rates or as a finding that public convenience and necessity demand the establishment of a through route, and is without prejudice to whatever conclusion the Commission may later reach. Therefore, good cause appearing,

IT IS HEREBY ORDERED that our order of August 22, 1933, in so far as it operates to suspend Supplement No. 4 to Local and Joint Freight Tariff C.R.C. No. 5 of Sacramento Motor Transport be and it is hereby wacated and set aside.

IT IS HEREBY FURTHER ORDERED that in all other respects our order of August 22, 1933, shall continue in full force and effect.

Dated at San Francisco, California, this 15 day of September, 1933.

MA Canadalle MR Character Market

Commiss.