

Decision No. 26358.

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  
Tariff C.R.C. No. 5 of SACRAMENTO  
MOTOR TRANSPORT and the suspension  
of Supplement No. 4 thereof.

Case No. 3668.

E. J. Foulds and R. S. Myers for Southern Pacific  
Golden Gate Ferries, Ltd.; and Sacramento Motor  
Transport.

J. E. Monroe, for Sacramento Motor Transport.

Gerald E. Duffy and Berne Levy, for The Atchison,  
Topeka and Santa Fe Railway Company.

McCatchen, Olney, Mannon & Greene, by J. O. Moran,  
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 Sacramento 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 Sacramento 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 tariff 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 Freight 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 vacated 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 25<sup>th</sup> day of September, 1933.

C. L. James  
Leon Whitwell  
W. B. L...  
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Commissioners.