

Decision No. 26682

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

HOLLY SUGAR CORPORATION,

Complainant,

vs.

Case No. 3438.

THE ARCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY, CHRISTENSON-HAMMOND
LINE, LOS ANGELES STEAMSHIP COMPANY,
LOS ANGELES AND SALT LAKE RAILROAD
COMPANY, LUCKENBACH STEAMSHIP COM-
PANY, LUCKENBACH GULF STEAMSHIP
COMPANY, INC., McCORMICK STEAMSHIP
COMPANY, NELSON STEAMSHIP COMPANY,
PACIFIC ELECTRIC RAILWAY COMPANY,
PACIFIC STEAMSHIP COMPANY and
SOUTHERN PACIFIC COMPANY,

Defendants.

ORIGINAL

J. E. Lyons and A. L. Whittle for Southern
Pacific Company, Los Angeles & Salt Lake
Railway Company and Pacific Electric
Railway Company.

BY THE COMMISSION:

REPORT OF COMMISSION ON REHEARING

Our Decision No. 25973 in this proceeding was issued under date of May 29, 1933. We found that the tariff rates published by the defendants in Pacific Coastwise Freight Tariff Bureau Local Joint and Proportional Freight Tariff No. 1-B, C.R.C. No. 4, applying to sugar between San Francisco and Long Beach-Los Angeles Harbor, Los Angeles and San Diego, of 15 cents and 20 cents respectively and certain proportional rates of 12½ cents and 17½ cents applying when the shipments originated at Crockett, also certain absorption allowances permitted at San Francisco, did not in fact establish any unreasonable or unlawful preferences or advantages and did not subject the complainant to unlawful prejudices or disadvantages. The complaint was ordered

dismissed. On September 2, 1933, at complainant's request, the case was reopened for further hearing. The rehearing proceeding was called before Examiner Geary at San Francisco October 26, 1933, but with the exception of a representative on behalf of the defendant railroads no one appeared at the hearing. Complainant and defendant water carriers, however, forwarded information by letter and by telephone to the effect that they had discussed the now existing rates effective June 20, 1933, published subsequent to our Decision No. 25973, supra, and would file a stipulation upon which the proceeding could be dismissed without the presentation of further testimony. The defendants published the new rates in Pacific Coastwise Freight Tariff Bureau 1-B, C.R.C. No. 4, Item 870-D, modifying those from San Francisco and creating a rate of 12½ cents to Los Angeles Harbor and 16½ cents to San Diego, based on minimum weight of 36,000 pounds in lieu of 15 cents and 20 cents and made the new rates applicable regardless of the point at which the sugar originated. The stipulation specified that the adjustment made by the carriers was satisfactory to both complainant and defendant. It appears that the issues having been satisfied, no further action is necessary on the part of this Commission and it therefore follows that the petition for rehearing will be dismissed.

ORDER

This case having been duly heard and submitted, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the preceding report,

IT IS HEREBY ORDERED that the petition for rehearing

in Case No. 3438 is hereby dismissed.

Dated at San Francisco, California, this 11th
day of December, 1933.

C. C. [unclear]
Leon [unclear]
W. A. [unclear]
M. B. Harris
[unclear]
Commissioners.