

Decision No. 27261.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Joint Application of F. W. GOMPE, Agent for and on behalf of THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY et al., for relief under the long and short haul provision of Section 24(a) of the Public Utilities Act.

Application No. 16179.

ORIGINAL

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

Upon applicants' written request, and good cause appearing,

IT IS HEREBY ORDERED that the second paragraph of the order in Decision 26369 in the above entitled proceeding as amended by Decision 27100 of May 28, 1934, be and it is hereby amended to read as follows:

"IT IS HEREBY ORDERED that applicants herein be and they are hereby authorized to depart from the long and short haul provisions of Section 24(a) of the Public Utilities Act where such departures are created by the absorption of connecting line switching charges on competitive traffic as defined in applicants' tariffs, while not concurrently absorbing switching charges on non-competitive traffic as defined in applicants' tariffs, subject to the condition that applicants on or before August 6, 1934, shall file with the Commission a stipulation agreeing that in the event a complaint is filed with the Commission attacking the absorption practice on the ground that there is no dissimilarity of conditions between the competitive and non-competitive points, the burden of proof will be upon applicants to justify the continuance of any long and short haul departures which may exist."

IT IS HEREBY FURTHER ORDERED that in all other respects
Decision No. 26369 and as supplemented by Decision No. 27100,
shall remain in full force and effect.

Dated at San Francisco, California, this 6th day
of August, 1934.

C. C. Leary
Leon S. Sweeney
W. H. C. C.
M. B. Blauie
W. H. C. C.
Commissioners.