

Decision No. 27262

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

STATE TERMINAL COMPANY, LTD., a
corporation, HOWARD TERMINAL, a
corporation, and ENCINAL TERMINALS,
a corporation,

Complainants,

vs.

THE ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY, a corporation,
SOUTHERN PACIFIC COMPANY, a cor-
poration, THE WESTERN PACIFIC RAIL-
ROAD COMPANY, a corporation, and
SACRAMENTO NORTHERN RAILWAY, a
corporation,

Defendants.

Case No. 3349.

ORIGINAL

Allan P. Matthew, John O. Moran and McCutchen,
Olney, Mannon & Greene, for complainants.

L. N. Bradshaw, for The Western Pacific Railroad
Company and Sacramento Northern Railway.

E. J. Foulds, J. R. Bell and G. H. Muckley, for
Southern Pacific Company.

Gerald R. Duffy and E. C. Pierre, for The Atchison,
Topeka and Santa Fe Railway.

Markell C. Baer, for Board of Port Commissioners,
City of Oakland.

Morrison, Hohfeld, Foerster, Shuman & Clark, by
F. C. Hutchins, for Parr-Richmond Terminal Corpor-
ation, Ltd.

BY THE COMMISSION:

ORDER OF DISMISSAL

This proceeding was filed September 9, 1932. It is
alleged that the defendants' tariffs, rules and practices with
respect to the observation of car unloading charges at the San
Francisco Bay points, in connection with specified commodities
to the docks, wharves, warehouses and plants for movement beyond
via off-shore vessels are unjust and discriminatory, and unduly

prejudicial to complainants and to shippers and receivers of freight who use complainants' facilities, and unduly preferential to shippers whose tonnage is handled at defendants' docks or wharves in the San Francisco bay district in violation of Sections 17 and 19 of the Public Utilities Act.

The case was heard jointly with I.C.C. Docket No.25556, on August 16 and 17, 1933, at San Francisco, before Examiner Flynn of the Interstate Commerce Commission, and Examiner Geary of the Railroad Commission of California.

Subsequent to the final submission, defendants published, effective June 15, 1934, new items covering the charges in question. Thereafter complainants and defendants filed with the Commission a joint stipulation, dated June 26, 1934, that the complaint be dismissed without prejudice.

Now, therefore, the Commission, being fully advised, and good cause appearing therefor,

IT IS HEREBY ORDERED that Case No.3349 be and it is hereby dismissed without prejudice.

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

C. Geary
Leon A. White
M. J. Carr
W. B. Harris
W. H. [unclear]
COMMISSIONERS: