

Decision No. 27521.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Suspension by the Commission on its own motion of reduced rates on hardware, paint and paint materials, roofing and building materials and articles grouped therewith, named in The Atchison, Topeka and Santa Fe Railway Company's Tariff Cal.R.C. No. CL 1359, and in Items 759 and 759-A of Pacific Motor Transport Company's Local Express Tariff No. 9, C.R.C. No. 13.

ORIGINAL

Case No. 3830.

In the Matter of the Investigation by the Commission on its own motion into the rates on hardware, paint and paint materials, roofing and building materials and articles grouped therewith.

Case No. 3870.

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION AND ORDER

By Decision 27388 of September 24, 1934, the Commission ordered The Atchison, Topeka and Santa Fe Railway Company and Pacific Motor Transport Company, respondents in Case 3830, to cancel rates for the transportation of hardware, paint and paint materials, roofing and building materials and articles grouped therewith from Los Angeles to various points in California. These rates had previously been suspended upon representations made by the Motor Freight Terminal Company that they were unreasonably low and detrimental to its interests. By the same decision respondents in Case 3870 were ordered to establish for the transportation of like commodities from San Francisco rates which

were calculated to remove any existing preference to shippers at San Francisco and prejudice against those located at Los Angeles.

Respondents The Atchison, Topeka and Santa Fe Railway Company and Pacific Motor Transport Company now advise that they propose in cooperation with respondents in Case 3870 and the principal shipping interests to work out a description of items covering the transportation of these commodities from San Francisco and to submit to the Commission in satisfaction of its order in Decision 27388 rates consistently aligned and related as between Los Angeles on the one hand and the San Francisco Bay area on the other, thus removing any preference and prejudice now existing. Because of the labor involved in preparing the proposed adjustment and to avoid possible complications which might arise if the period of suspension were permitted to expire, they ask permission to withdraw the suspended rates and seek further time within which to comply with the remainder of the order.

Decision 27388 now requires respondents The Atchison, Topeka and Santa Fe Railway Company and Pacific Motor Transport Company to cancel the suspended rates, and provides that upon the cancellation thereof our order of May 7, 1934, and as extended, in Case 3830 be vacated and set aside and that proceeding discontinued. In so far however as it requires the establishment of the rates prescribed in the opinion which precedes the order, respondents in Case 3870 should be given sufficient time within which to work out their proposed adjustment and submit it to the Commission. Therefore, good cause appearing,

IT IS HEREBY ORDERED that the time within which respondents in Case 3870 are required to comply with the first ordering paragraph of Decision 27388 of September 24, 1934, be and it is hereby deferred until further order of the Commission.

IT IS HEREBY FURTHER ORDERED that the second ordering para-

graph of Decision 27388 be and it is hereby amended to read as follows:

"IT IS HEREBY FURTHER ORDERED that respondents The Atchison, Topeka and Santa Fe Railway Company and Pacific Motor Transport Company be and they are hereby required to cancel the rates suspended in Case 3830 on or before December 1, 1934, on not less than one day's notice to the Commission and the public and that the period of suspension be extended until the rates have been cancelled."

IT IS HEREBY FURTHER ORDERED that in all other respects Decision 27388 shall remain in full force and effect.

Dated at San Francisco, California, this 13<sup>th</sup> day of November, 1934.

Leon Whidely

M. J. Linn

W. B. Davis

W. H. [unclear]

Commissioners.