

Decision No. 28285.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation  
and Suspension by the Commission on  
its own motion of reduced rates pub-  
lished by Southern California Freight  
Lines and Southern California Freight  
Forwarders for the transportation of  
sales books from Glendale to Los An-  
geles. )

**ORIGINAL**

Case No. 4068.

H. J. Bischoff for Southern California Freight Lines and  
Southern California Freight Forwarders.

W. K. Downey for Western Truck Lines, Ltd. and  
Pacific Freight Lines, protestants.

Libby & Sherwin by Warren E. Libby for Keystone Express  
Company and Keystone Express System, protestants.

BY THE COMMISSION:

O P I N I O N

Southern California Freight Lines and Southern California  
Freight Forwarders filed with the Commission to become effective Sep-  
tember 16 and 30, 1935, respectively, upon full statutory notice, iden-  
tical rates for the transportation of sales books in cartons, cases or  
bundles from Glendale to Los Angeles.<sup>1</sup>

<sup>1</sup> The rates are as follows:

	<u>Rate</u>	<u>Minimum weight in pounds</u>
(1) (2)	.05	--
(2) (3)	.10	--
(4)	.15	--
(4)	.12	2,000
(4)	.10	5,000

- (1) Applies to this carrier's depot only.
- (2) Tariff minimum applicable from one shipper to more than one consignee where delivery is made to one address at one time.
- (3) Free delivery within a radius of two miles of this carrier's Los Angeles Depot.
- (4) Free delivery within a radius of seven miles of this carrier's Los Angeles Depot.

On August 29, 1935, Southern California Freight Forwarders filed an application with the Commission in which it sought authority to publish these rates on less than statutory notice. In this application it alleged that the traffic for which the rates were published would start moving within ten days and that unless the rates were established forthwith, the shipper would undoubtedly lease equipment and perform its own transportation.

The granting of this application was protested by Western Truck Lines, Ltd., Keystone Express Company and Keystone Express System. These carriers moreover sought the suspension of the rates published on full statutory notice. In support of their position they alleged, among other things, that the proposed rates were unreasonably low, noncompensatory and detrimental to their interests.

The rates were suspended by order dated September 13, 1935, and the matter set for public hearing, which was had at Los Angeles before Examiner Freas on September 26, 1935.

At the opening of the hearing, counsel for respondents stated that there was only one shipper involved, and that it had since put into operation a truck of its own. The publication of the "any-quantity rate of five and ten cents" therefore serves no useful purpose and request was made that respondents be permitted to withdraw them. Respondents further requested to withdraw the restrictions applying to the remaining rates so that these rates would apply in accordance with the general rules contained in the applicable tariffs.

Protestants advised that with these amendments, they were willing to withdraw their protests provided that the proposed rates did not become effective until they have had opportunity to make like publication. This was agreed to by respondents. Under the circumstances, therefore, our order of September 13, 1935, in the above entitled proceeding should be vacated and this proceeding discontinued.

ORDER

This matter having been duly heard and submitted,

IT IS HEREBY ORDERED that upon the withdrawal of the rates and restrictions referred to in the opinion which precedes this order, from Item 709 of Southern California Freight Lines Freight Tariff No. 1, C.R.C. No. 1, and Item 522 of Southern California Freight Forwarders Local Express Tariff No. 1, C.R.C. No. 1, the Commission's order of suspension of September 13, 1935, in this proceeding be and it is hereby vacated and the proceeding discontinued.

Dated at San Francisco, California, this 7<sup>th</sup> day of October, 1935.

Leon Whitney

M. A. Lee

W. B. Lewis

W. H. Anderson

Frank R. Wiley

Commissioners.