

Decision No. 28519.

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 named in PACIFIC MOTOR TARIFF BUREAU Tariff No. 1, C.R.C. No. 2, and THE HASLETT WAREHOUSE COMPANY Tariff No. 1, C.R.C. No. 1

Case No. 3845

In the Matter of the Investigation on the Commission's own motion into the rates, rules, regulations, charges, classifications, contracts, practices and operations, or any of them, of A. PASTERIS, operating under the fictitious name and style of EAST BAY DRAYAGE & WAREHOUSE COMPANY, HASLETT WAREHOUSE COMPANY, INTERURBAN EXPRESS CORPORATION, MERCHANTS EXPRESS CORPORATION, PEOPLES EXPRESS COMPANY and UNITED TRANSFER COMPANY, engaged in operating common carrier transportation service to, from or between San Francisco, Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont.

ORIGINAL

Case No. 4014

In the Matter of the Investigation on the Commission's own motion into the rates, rules, regulations, charges, classifications, contracts, practices and operations, or any of them, of common carriers engaged in transportation service between San Francisco on the one hand and Alameda, Albany, Berkeley, El Cerrito, Emeryville, Oakland, Piedmont, Richmond and San Leandro on the other.

Case No. 4029

Reginald L. Vaughan, for Interurban Express Company, United Transfer Company, A. Pasteris operating under the fictitious name and style of East Bay Drayage and Warehouse Company; Canton Express Company; West Berkeley Express and Draying Company.

Reginald L. Vaughan and A.J. Scampini for Merchants Express Corporation.

Gwyn H. Baker, for Richmond Navigation and Improvement Company and Berkeley Transportation Company.

McCutchen, Olney, Mannon & Greene, by Allan P. Matthew; and J. W. Howell, for The Haslett Warehouse Company and Peoples Express Company.

J. E. Lyons and A. L. Whittle, for Southern Pacific Company, Pacific Motor Transport Company and Pacific Motor Trucking Company.

L. N. Bradshaw, for The Western Pacific Railroad Company.

S. M. Heck and Edward Stern, for Railway Express Agency.

Berne Levy and Gerald E. Duffy, for The Atchison, Topeka and Santa Fe Railway Company.

Sanborn & Roehl and Clair McLeod, for Kellogg Express and Draying Company.

R. S. Myers and E. J. Foulds, for Southern Pacific Golden Gate Ferries, Ltd.

D. Meyers, for Motor Truck Association of Southern California.

BY THE COMMISSION:

### O P I N I O N

Canton Express Company, A. Pasteris, doing business under the fictitious name and style of East Bay Drayage and Warehouse Company, Interurban Express Corporation, Kellogg Express and Draying Company, Merchants Express and Draying Company (now Merchants Express Corporation), Peoples Express Company, United Transfer Company, and Louis Erickson doing business under the fictitious name and style of West Berkeley Express and Draying Company, are common carriers engaged in the transportation of property by motor vehicle between San Francisco and certain East Bay points, including Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont. They are also members of the Pacific Motor Tariff Bureau, of which E. H. Hart is Agent. For convenience they will at times be referred to as "Bureau Carriers". The Haslett

Warehouse Company is an express corporation, as that term is defined in Section 2(k) of the Public Utilities Act, likewise engaged in transporting property between San Francisco and the East Bay points and in active competition with the Bureau Carriers.

On May 28, 1934, by its order in Case 3845, the Commission on its own motion but following a request of certain of the Bureau Carriers, suspended, pending a hearing to determine their lawfulness, certain rates proposed by the Haslett Company and the Bureau Carriers. Thereafter it instituted Case 4029 in order that the rates, rules, regulations, charges, classification, practices and operations of all competing carriers might be properly before it. Case 4014 was instituted following the Commission's Decision No. 27966 of May 14, 1935, wherein it was found that Kellogg Express and Draying Company had deviated from its lawfully filed tariffs, in order to determine the accuracy of a contention made by Kellogg Express and Draying Company that other transbay carriers were guilty of like offenses.

Public hearings were had at San Francisco on June 11 and 12, 1935, before Commissioner Harris and on August 7 and September 6 and 11, 1935, before Examiner Freas. The matters were submitted on briefs, the

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Sixth Revised Pages 11, 12, 15-A and 17 and Second Revised Page 18 of Pacific Motor Tariff Bureau, E.H. Hart, Agent, Local and Joint Freight Tariff No. 1, C.R.C. No. 2, filed to become effective June 1, 1934, and Third Revised Page 18 of same tariff filed to become effective June 18, 1934; also Fourth Revised Page 17 and First Pages 19, 20, 21 and 22 of The Haslett Warehouse Company Local Express Tariff No. 1, C.R.C. No. 1, filed to become effective June 11, 1934, and Third Revised Page 18 of same tariff filed to become effective June 15, 1934.

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In addition to the Bureau Carriers and The Haslett Warehouse Company this proceeding involves The Atchison, Topeka and Santa Fe Railway Company, Bay Cities Transportation Co., Berkeley Transportation Co., Pacific Motor Transport Co., Railway Express Agency, Inc., Richmond Navigation and Improvement Co., Southern Pacific Company and The Western Pacific Railroad Co. It likewise involves the additional East Bay points of El Cerrito, Richmond and San Leandro. Requests have been made of the Commission that it determine whether or not the rates, rules and regulations maintained by all carriers competing in this territory should be established on a uniform or related basis, and if so, the volume and effect thereof.

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In re Investigation of Kellogg Express and Draying Co. and related proceedings, 39 C.R.C. 333.

last of which was filed on December 28, 1935. The proceedings were heard upon a consolidated record and will be disposed of in one decision.

The property transported by the Bureau Carriers is ordinarily hauled across San Francisco Bay on the ferry boats of the Southern Pacific Golden Gate Ferries, Ltd., but in the carriers' own vehicles. According to the record the vehicles of the Haslett Company do not cross the bay; this latter carrier uses the Bay Cities Transportation Company, a common carrier barge line for the performance of that portion of the service.

The Bureau Carriers generally maintain two daily scheduled services. Freight is picked up in San Francisco in the morning, taken to a terminal in San Francisco where it is consolidated and loaded into so-called line haul trucks. It is then transported across the bay to the carriers' terminal on the East Bay side where it is segregated and loaded into delivery trucks and delivered in the afternoon of the same day. Freight moving in the opposite direction is handled in like manner. The same procedure is followed as to freight picked up in the afternoon, excepting that it is delivered on the opposite side of the bay the next morning. The time of departure of the line haul trucks varies but may be said to be noon or later for the day schedule and 6:00 P.M. or later for the night schedule. In addition to the regular twice a day service, certain of the carriers maintain a special rush service to so-called electric or auto row in Oakland.

The Haslett Company likewise has two scheduled services across the bay daily. Its shipments are picked up at shippers' places of business in San Francisco in the morning and transported by truck to Pier 5, on the San Francisco waterfront, where they are unloaded from trucks to skid platforms. The skids are then transferred from the docks to a barge of the Bay Cities Transportation Company which

leaves San Francisco about 12:30 or 1:00 P.M. and arrives at the Oakland Terminal located at the foot of Webster Street about 1:45 or 2:00 P.M. Upon arrival at Oakland the skids are taken from the barge and the property thereon loaded into trucks and delivered to store doors of consignees during the afternoon of the same day. Similar service is provided from East Bay points to San Francisco. Shipments picked up in the afternoon are handled in the same manner except that they are moved across the bay at night and delivered the next morning. The time consumed in moving property across the bay by barge is somewhat in excess of that required to transport it over the ferry lines in trucks, but this is in a measure offset by the fact that the Bay Cities dock is used by Haslett as its terminal whereas the terminals of the Bureau Carriers are located some distance from the ferry.

In so far as Cases 3845 and 4029 are concerned, the controversy is largely centered around a long-standing dispute between the Bureau Carriers and the Haslett Company as to what if any differential should exist in the rates maintained by these carriers for competitive service.

The initial tariffs of Lawrence Warehouse Company (the predecessor of the Haslett Company) provided rates lower than those maintained by the Bureau Carriers.<sup>4</sup> Shortly after these tariffs became effective the Bureau Carriers sought to establish lower rates than those applicable via the Lawrence Company on shipments of 6000 pounds or over. Those on shipments under 6000 pounds were to be the same as or higher than those of the Lawrence Company. The effective date of these rates was suspended by the Commission pending a hearing to determine their lawfulness.<sup>5</sup> Before the matter was heard, the rates were

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<sup>4</sup> They were filed effective April 12, 1932, pursuant to the order of this Commission in Pacific Freight Lines vs. Lawrence Warehouse Company (37 C.R.C. 199). Prior to that time the differentials were not of record with the Commission.

<sup>5</sup> In the Matter of Suspension of Certain Rates, etc., contained in Pacific Motor Tariff Bureau Tariff - Case No. 3250.

withdrawn concurrently with the filing of tariffs by both the Lawrence Company and the Bureau Carriers, effective May 15, 1932, establishing a uniform classification and a revised schedule of rates which generally resulted in a narrowing of the formerly existing differentials.<sup>6</sup> By tariffs filed effective March 18, 1933, by both the Bureau Carriers and the Lawrence Company, the differentials were again narrowed.

On May 1, 1934, the Bureau Carriers filed schedules to become effective June 1, 1934, naming reduced class and commodity rates applicable for so-called overnight service; that is, service in which deliveries are not made on the day shipments are received by the carrier. No change was proposed in the rates for day service, service in which deliveries are made on the day the shipments are received by the carrier. Had the proposed schedules gone into effect and the rates of the Haslett Company remained unchanged, the rates of the Bureau Carriers and the Haslett Company for overnight service would have been substantially the same. For the day service the Haslett Company would still have had an advantage. On May 12, 1934, however, the Haslett Company filed to become effective June 11, 1934, rates which if allowed to become effective would have resulted in differentials under the rates proposed by the Bureau Carriers even greater than those existing prior to June 1, 1934. Additional filings of a similar nature were made by the Haslett Company to become effective June 15, 1934, and by the Bureau Carriers to become effective June 18, 1934. The rates filed to become effective June 1, 11, 15 and 18, 1934, are the ones here under suspension. Various other changes<sup>7</sup> in rates and minimum charges were made by the Bureau Carriers, the Bay Cities Transportation Company and the

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<sup>6</sup> By Decision No. 24798, dated May 23, 1932, the order of suspension in Case No. 3250 was vacated and set aside and the proceeding discontinued without prejudice.

<sup>7</sup> In February, 1935, the Bureau Carriers (other than Canton Express Company) applied for certificates of public convenience and necessity to operate express services between San Francisco and East Bay points

Haslett Company during the period of suspension, until today these carriers all maintain identical rates and minimum charges for overnight service. For the day service the rates of the Bureau Carriers are higher when service is performed over the line of the Southern Pacific Golden Gate Ferries but the same when the Bay Cities Transportation Company's barges are used.

The Bureau Carriers, with the exception of the Peoples Express Company, a wholly owned subsidiary of The Haslett Warehouse Company, take the position (1) that uniform rates, rules, regulations and classifications should be established for this transbay service regardless of the manner in which it is performed; (2) that a higher level of rates should be prescribed than the rates now in effect for these services; and (3) that a system of terminal allowances should be substituted for the present terminal to store door and store door to terminal rates. The Haslett Warehouse Company contends that its rates should be on a lower basis than the rates maintained by the Bureau Carriers by reason of an alleged inferiority of its service. It agrees with the Bureau Carriers that a system of terminal allowances should be substituted for the terminal to store door and store door to terminal rates. The Southern Pacific Golden Gate Ferries Ltd. contends that equal rates should apply for equal service regardless of the means of crossing the bay, and that differentials should exist only where there is a substantial difference.

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via the Bay Cities Transportation Company at rates of the volume of those of Haslett. This application (No. 19839) was later withdrawn. Effective July 5, 1935 the Bay Cities Transportation Company filed a joint tariff (C.R.C. No. 9) applying between San Francisco and East Bay points in connection with Kellogg Express and Draying Company which duplicated the rates in effect via Haslett. On August 10, 1935, it was amended by restricting the routing of shipments between San Francisco and Oakland to apply by the Bay Cities Transportation direct and by including all of the bureau lines and The Haslett Warehouse Company as participating carriers to and from the other East Bay points. It had been in effect but a short time when an application was filed by the Bureau Carriers for permission to establish rates for overnight service by truck via ferry equal to those in effect via Haslett.

in the service to the public. The Bay Cities Transportation Company, although a respondent in Case 4029, offered no testimony and filed no brief. The carriers using the rail services for the transportation of property between San Francisco and East Bay points, while offering no evidence on their own behalf, urge that the proposals of the Bureau Carriers be adopted and agree to the publication of rates found proper for the Bureau Carriers provided they are granted relief from the long and short haul provisions of the Public Utilities Act and of the Constitution. The Richmond Navigation and Improvement Company and the Berkeley Transportation Company state that their rates are predicated on those maintained by their competitors and that they are agreeable to whatever rates the Commission may find are justified for those carriers. The Railway Express Agency did not state its position.

The Bureau Carriers other than Peoples Express Company argue that there is no material difference in service to the public, and that under these circumstances the existence of a differential is unwarranted. They contend that the differential places them at a competitive disadvantage from a solicitation standpoint and that this has been responsible for the loss of considerable business and has created dissatisfaction on the part of their shippers. They testified that they lost numerous accounts to the Haslett Company solely by reason of the differential and that others were retained only because they met the lower rates of Haslett by means of off-tariff rates.

The Haslett Company argues that unless its rates are lower than those of the Bureau Carriers, it will be unable to secure a fair share of the available traffic. What it regards as a fair share the record does not show. It further contends that the accounts it did obtain from the Bureau Carriers were secured through personal solicitation, reciprocity or for reasons other than the differential. This contention is in part supported by the testimony of a number of shippers using the Haslett service some of which further stated that they would continue to patronize that company even though the differential were eliminated.



It is argued by the Haslett Company that there always has been and always will be a movement of business back and forth between competitors and that in spite of the differential it lost numerous accounts to the Bureau Carriers.

A review of the tonnage figures submitted by both the Haslett Company and the Bureau Carriers as shown by exhibits of record indicates that there was a substantial diversion of traffic from Haslett to the Bureau Carriers following the narrowing of the differential in 1933. The proportion of the total transbay business received by Haslett in 1934 and the first six months of 1935, however, was approximately the same as that which it received in 1930, at which time the differential was greater than it has been since. There is no evidence in this record to show that Haslett would not receive an equitable share of the transbay business at rates equal to those of the Bureau Carriers.

The Haslett Company does not furnish a service which is markedly inferior to that of the competing Bureau Carriers. On the contrary, the record shows that both are actively competing for the same business under substantially the same time schedules with the possible exception of the special service maintained by certain of the Bureau Carriers to so-called auto and electric row in Oakland.<sup>8</sup> While the more flexible ferry schedule possesses certain operating advantages over the somewhat rigid barge schedule, the record here indicates that the regular services which the Haslett Company and the Bureau Carriers extend to the public are substantially similar. The service of the Peoples Express Company, Haslett's subsidiary, is comparable to that of the other Bureau Carriers.

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Three carriers render a special service to auto and electric row. Witness for one of them, the Merchants Express Corporation, stated on direct examination that no higher rates should be established for this service, but receded from this position on cross examination. A witness for Kellogg contended that the rates should not be higher in instances where the load factor is high but that they should be if the load factor is low. On brief these and other Bureau Carriers argued that the testimony showed that the load factor on this type of rush service was low, and for that reason it should be subject to a higher rate. Other carriers contended generally that where a special service was performed an additional charge should be made.

The Bureau Carriers other than Peoples Express Company presented figures to show that the present any-quantity class rates of the various transbay carriers for pick-up and delivery service are unduly low.<sup>9</sup> The annual reports of many of them show that they are in dire need of additional revenue. Two scales of class rates are proposed by the Bureau Carriers. One is based on the costs shown in Exhibit No. 22 and the other on those shown in Exhibit No. 39. The Bureau Carriers suggest the adoption of the scale set forth in Exhibit No. 22 revised to compensate for the added cost of performing platform labor not taken into consideration in computing the rates set forth in that exhibit. The scale set forth in Exhibit No. 39, while higher than the existing scale of either the Bureau Carriers or Haslett, is lower than that proposed in Exhibit No. 22. Either one if adopted would result in substantial increases over the rate now in effect via either the Bureau Carriers or the Haslett Company. The showing made in these exhibits was not rebutted by either the Haslett Company or the Bay Cities Transportation Company.

The suggested scales are for lots of less than 4000 pounds. There is substantial evidence in the record to the effect that on shipments of over 4000 pounds respondents are in active competition with

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Exhibits Nos. 22 and 39 are intended to show the cost to the Haslett Company of transporting freight between Oakland and San Francisco and rates necessary to return a fair profit. The figures shown in Exhibit No. 22 have been obtained by adding to the rates which the Haslett Company pays the Bay Cities Transportation Company, \$1.50 per ton, the cost of performing the pick-up and delivery service and a proportion of overhead charges plus an amount for profit. The cost figures as set forth in the exhibit are based on the experience of the Merchants Express and other carriers in connection with similar operations. The item of station labor was omitted from this exhibit because it was thought that this service was included in the line-haul rate of the Bay Cities Transportation Company. It developed later, however, that it was not, and the computations therefore should be revised to reflect this added cost. The figures shown in Exhibit No. 39 have been obtained by use of an 80¢ per ton rate for the dock to dock service of the Bay Cities Transportation Company. A rate of this volume was filed by the Bay Cities Transportation Company to become effective July 15, 1935 but was withdrawn following the protest of competing common carriers and its suspension by the Commission. The costs added to the 80¢ dock to dock rate are the same as those used in Exhibit No. 22.

proprietary carriers and with highway carriers whose rates have not yet been prescribed.

The Bureau Carriers, while recommending the adoption of a uniform scale of minimum charges, offered no evidence in support of their proposal. As has heretofore been stated, both the Bureau Carriers and The Haslett Warehouse Company ask that a system of terminal allowances be substituted for the present terminal to store door and/or store door to terminal rates. No evidence was offered in support of this proposal. The matter of terminal allowances is now before the Commission on rehearing in Case 3773, In re Rates, etc., of The Atchison, Topeka and Santa Fe Railway Company et al. By its original decisions in the matter, the Commission held that wherever a carrier elected to offer to the public at different rates more than one class of service, the rates therefor should be separately stated.

No shippers appeared either in support of or in opposition to the differential or the level of rates.

As has already been stated, Case 4014 was instituted for the purpose of determining whether or not respondents therein deviated from their lawfully filed tariffs. That they did so, the Bureau Carriers other than the West Berkeley Express and Draying Company, which did not testify in this regard, freely and openly admitted.<sup>10</sup> They contend that this was necessary both in order to retain what traffic they then had and to attract new business. In certain respects they represent that the

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<sup>10</sup> In addition to the testimony of the various witnesses, respondents including West Berkeley Express and Draying Company stipulated prior to the submission of this proceeding that the Commission might issue an interim order directing them to cease and desist from charging, demanding, collecting or receiving a greater or less or different compensation for the transportation of property or for any service performed in connection therewith than the rates and charges applicable to such transportation as shown by their schedules on file with the Commission and also requiring them to cease and desist any arrangements or practices for the joint transportation of property (other than under a combination of local rates) without first obtaining appropriate authority from the Commission. The stipulation excluded certain tariff provisions which were of a controversial nature or were said to be unenforceable. On July 8, 1935, by Decision No. 28102, the Commission entered its order in accordance with this stipulation.

tariff is unenforcible.<sup>11</sup>

It is a maxim of transportation that common carriers' filed tariffs must in the first instance be strictly adhered to. They have the force of a statute and may be deviated from only upon the express authority of the Commission charged with the regulation of the carriers' rates. (Pennsylvania Railroad Co. vs. International Coal Co., 230 U.S. 184. S. F. Milling Co. vs. Southern Pacific Co., 24 C.R.C. 106.) "That rules are said to be unenforcible is no justification for their continued violation. Rather, steps should be taken to remove them from the tariff." The rules here said to be unenforcible have been in effect since July 8, 1935, the date of Decision No. 28102 in Case 4014, and with one exception no attempt has been made to amend or withdraw them. The practices of these carriers disclosed by this record are utterly inexcusable.

Deviations from its lawfully filed tariffs were also admitted by the Haslett Company, and what has been said respecting such deviations by the Bureau Carriers applies with like force to Haslett.

It has been the practice of certain of the respondents herein to transport property originating at points outside the State of California for and on behalf of certain so-called forwarding or carloading companies under special contract at rates different from those named in tariffs on file with the Commission. The question of whether or not transportation largely analogous to that performed for these forwarding companies is subject to this Commission's jurisdiction is now before the California Supreme Court in Adley vs. Railroad Commission,

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<sup>11</sup> This allegation was made with respect to practices under Rules 7, 12 and 13 of Pacific Motor Tariff Bureau Local and Joint Tariff No. 1, C.R.C. No. 2, and Rule 24 of Pacific Motor Tariff Bureau Freight Classification No. 2, C.R.C. No. 10.

L.A. No. 15053. Under these circumstances disposition of this feature of these proceedings will be withheld pending the decision of the Supreme Court.

The record shows that A. Pasteris, doing business as the East Bay Drayage and Warehouse Company, entered into a contract with Durkee Famous Foods, Inc., to pick up, dray and deliver merchandise in the San Francisco Bay area at rates less than those named in its tariff on file with the Commission. A copy of the contract was submitted as Exhibit No. 2. It is claimed that under this contract a special truck was assigned exclusively to the handling of this firm's business. However, the shipments were transported between the points covered by respondent's common carrier tariff, and at times in the same equipment in which respondent's common carrier shipments were handled.

Upon full consideration of all the facts of record, we are of the opinion and find that to the extent respondents in these proceedings maintain rates for pick-up and delivery service between San Francisco on the one hand and the East Bay points here involved on the other less than the following they are unduly low and should be increased.

On Shipments Weighing less than 4,000 pounds  
Rates in cents per 100 pounds

<u>Class</u>			
<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
40	34	28	24

Where a special service is performed, such as that to so-called electric

and auto row, an additional charge should be made. An additional charge should also be made for service to or from outlying points. The record does not justify the prescribing of rates for the Haslett Company lower than those of the other carriers. On the record here specific rates cannot be prescribed for each movement involved. Respondents in Case 3845 will be required to present to the Commission for its approval tariffs constructed in accordance with the foregoing. Copies of these tariffs must also be furnished to the other carriers involved in these proceedings. If the proposed tariffs do not comply with the findings herein or if the carriers cannot agree as to the rates not specifically prescribed the matter will receive the Commission's further consideration. Otherwise the rates will be established by supplemental order. Where compliance with this order would otherwise result in departures from the long and short haul provisions of the Public Utilities Act and of the Constitution, appropriate applications for relief from the operation of these provisions should be filed with the Commission.

We further find that respondents in Case 4014 have assessed and collected for the transportation of property between the points here involved rates greater or less than or different from those contained in their effective tariffs on file with the Commission. These respondents will be required to adjust the charges on all shipments transported during the statutory period to the basis provided by the tariff. Had respondents been operating under the provisions of the Public Utilities Act at the time the violations were committed, as they now are, the Commission, under the circumstances here of record, would have directed its attorney to bring a penalty action. The Auto Truck Transportation Act which governed these carriers' operations at the time the violations occurred, did not authorize such an action.

Respondents are put on notice that penalty provisions are now provided for and that if any future violations come to the Commission's attention an action for the collection of penalties will be brought.

O R D E R

These matters having been duly heard and submitted, and basing this order upon the findings of fact contained in the opinion which precedes this order,

IT IS HEREBY ORDERED:

(1) That Canton Express Company, A. Pasteris, doing business under the fictitious name and style of East Bay Drayage and Warehouse Company, Interurban Express Corporation, Kellogg Express and Draying Company, Merchants Express and Draying Company (now Merchants Express Corporation), Peoples Express Company, United Transfer Company, Louis Erickson, doing business under the fictitious name and style of West Berkeley Express and Draying Company, and The Haslett Warehouse Company, respondents in Case No. 3845, on or before twenty (20) days from the effective date of this order, submit to the Commission and to the other respondents in these proceedings, schedules containing rates, minimum charges, rules, regulations and classifications for the common carrier transportation of property between San Francisco on the one hand and Alameda, Albany, Berkeley, El Cerrito, Emeryville, Oakland, Piedmont, Richmond and San Leandro on the other, which shall conform to the findings in the opinion which precedes this order.

(2) That respondents in Case 3845 on or before thirty (30) days from the effective date of this order, on not less than one day's notice to the Commission and the public, cancel the rates under suspension in Case 3845 and that upon the cancellation of said rates Case 3845 be and it is hereby discontinued.

(3) That A. Pasteris, operating under the fictitious name and

style of East Bay Drayage and Warehouse Company, Haslett Warehouse Company, Interurban Express Corporation, Merchants Express Corporation, Peoples Express Company and United Transfer Company, respondents in Case 4014, forthwith cease and desist from charging, demanding, collecting or receiving a greater or less or different compensation for the transportation of property, or for any services in connection therewith, than the rates and charges applicable to such transportation or for any service in connection therewith, shown in their respective tariffs on file with this Commission.

(4) That respondent A. Pasteris, doing business as East Bay Drayage and Warehouse Company, cease and desist from engaging in the transportation of property both as a common carrier and as a highway contract carrier of the same commodities between the same points.

(5) That respondents in Case 4014 forthwith diligently and in good faith proceed to collect and collect the amount of all outstanding undercharges and not later than March 30, 1936, report to the Commission under oath the amount of the undercharges they have collected, and if all undercharges have not been collected, report in detail the proceedings looking to their collection and refund.

(6) That the Commission retain jurisdiction in Cases Nos. 4014 and 4029 to take such further steps and make such further orders as may be necessary to insure compliance with the law by their several respondents.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 20<sup>th</sup> day of January, 1936.

M B Harris  
Leon Whitley  
M J Carr  
Walter H. [unclear]  
Frank R. [unclear]