

Decision No. 28792

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 rates and rules contained in Supplement No. 1 to C.R.C. No. 3 of A.J. Happe Transfer Company (Carrie Happe, Owner) for the transportation of Citrus Fruits, empty fruit boxes returned, Packing House Supplies and Fertilizers from and to points in Southern California.)

Case No. 4116

ORIGINAL

BY THE COMMISSION:

ORDER VACATING ORDER OF SUSPENSION AND INVESTIGATION

The Commission by order dated March 24, 1936, suspended until July 21, 1936, Supplement No. 1 to A.J. Happe Transfer Company (Carrie Happe, Owner) Local Freight Tariff C.R.C. No. 3 naming reduced rates and rules for the transportation of citrus fruits, empty fruit boxes, returned, fertilizers and packing house supplies. The supplement was suspended upon protests from competing highway carriers and from a trucking association who alleged among other things that the rates and rules named therein were unreasonably low, non-compensatory and detrimental to their interests.

The matter was set for a public hearing in Los Angeles. Before the proceeding was heard, however, respondent informed the Commission that it desired to withdraw the suspended rates and rules. Permission to do so was granted by the Commission<sup>1</sup> and the suspended schedule was cancelled effective April 27, 1936. The cause for suspension has therefore been removed and our order of March 24, 1936, should be vacated and this proceeding discontinued.

<sup>1</sup> Authorities Nos. G.O. 80-20-1523 and G.O. 80-21-1992 of April 20, 1936.

Therefore, good cause appearing

IT IS HEREBY ORDERED that our order of March 24, 1936, suspending Supplement No. 1 of A.J. Happe Transfer Company (Carrie Happe, Owner) Local Freight Tariff C.R.C. No. 3 be and it is hereby vacated and this proceeding discontinued.

Dated at San Francisco, California, this 4th day of May, 1936.

M. B. Linn

Leon Whitely

M. J. Linn

W. H. Linn

Frank B. Linn

Commissioners