

Decision No. 28932

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
 JOHN BYRNE, AGENT, under Powers of)
 Attorney and Concurrences on file)
 with the Commission, for the following)
 carriers:)
 Chamberlin Steamship Co. Ltd.;)
 Christenson-Hammond Line) Application No. 20365.
 (Hammond Shipping Co. Ltd.);)
 Los Angeles-San Francisco Navigation Co.;)
 McCormick Steamship Company; Nelson)
 Steamship Company and Pacific Steamship)
 Lines, Ltd., for an order authorizing the)
 publication, on one day's notice, of a)
 rule and notes limiting certain freight)
 rates to direct vessels.)

In the Matter of the Application of)
 JOHN BYRNE, AGENT, under Powers of)
 Attorney and Concurrences on file with the)
 Commission, for the following carriers:)
 Chamberlin Steamship Co. Ltd.;)
 Christenson-Hammond Line) Application No. 20366.
 (Hammond Shipping Co. Ltd.);)
 Los Angeles-San Francisco Navigation Co.;)
 McCormick Steamship Company; Nelson)
 Steamship Company and Pacific Steamship)
 Lines, Ltd., for an order authorizing the)
 cancellation of certain rates to and from)
 Berkeley, California.)

In the Matter of the Application of)
 SAN DIEGO-SAN FRANCISCO STEAMSHIP COMPANY)
 for an order authorizing, on one day's) Application No. 20367.
 notice, change in application of rates.)

Gwyn H. Baker, for Berkeley Manufacturers Association
 and Berkeley Chamber of Commerce.
 H. C. Cantelow and H. W. Hendrick, for all applicants.
 Fred C. Hutchison, City Attorney, Berkeley, California.
 L. E. Wolters, for Oakland Chamber of Commerce.
 R. M. Grose, for Marine Terminal Association.
 Edwin G. Wilcox, for San Francisco Chamber of Commerce.
 Thomas M. Carlson, for the City of Richmond and
 Richmond Chamber of Commerce.
 William Gissler, for Los Angeles-Long Beach Despatch
 Line.
 Charles A. Bland, for Board of Harbor Commissioners
 of Long Beach.

CARR, Commissioner.

OPINION ON REHEARING

At the rehearing held on June 17th a proposed amendment to Exhibit "A" attached to Application No. 20365 (Exhibit 4), and a proposed amendment to Exhibit "A" attached to Application No. 20367 (Exhibit 5) were presented. The changes thus proposed seemed to satisfy all of the various parties and to remove any possibility of discrimination.

I therefore recommend the following form of order:

O R D E R

A rehearing having been had in the above entitled matter, IT IS HEREBY ORDERED that the applicants in these proceedings be and they are hereby authorized to publish the rules and make the changes and cancellations in accordance with Exhibits "A" of the applications, as amended, on not less than five (5) days' notice to the Commission and the public.

IT IS HEREBY FURTHER ORDERED that the authority herein granted be and it is hereby subject to the express condition that none of the parties to these proceedings will ever urge before this Commission in any proceeding under Section 71 of the Public Utilities Act, or in any other proceeding, that the opinion or order herein constitutes a finding of fact of reasonableness of any particular rate, and the acceptance by applicants of the benefits of this order will be considered as consent by the respective carriers to this condition.

The effective date of this order shall be ten (10) days from the date hereof.

The foregoing opinion and order on rehearing are hereby adopted as the opinion and order on rehearing of the Railroad commission of the State of California.

Dated at San Francisco, California, this 29th day of June, 1936.

W. B. Larned
Leon Albrecht

W. J. C. C.

W. C. C.

Commissioners.