

32079

Decision No. _____

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment
of maximum or minimum, or maximum
and minimum rates, rules and regu-
lations of all common carriers as
defined in the Public Utilities Act
of the State of California, as
amended, and all highway carriers
as defined in Chapter 223, Statutes
of 1935, as amended, for the trans-
portation, for compensation or hire,
of any and all commodities.)

ORIGINAL

Case No. 4246

BY THE COMMISSION:

FIFTH SUPPLEMENTAL OPINION AND ORDER

By Decision No. 31606, as amended, in the above entitled proceeding, minimum rates of statewide application were established for the transportation of property by common and highway carriers. Petitions have been filed by Valley Express Co., an express corporation; The River Lines, the unified operation of certain common carriers by vessel; and United Motor Transport Lines, Inc., a highway common carrier, seeking modification of that order to the extent necessary to permit them to meet the rates of the Southern Pacific Company between points in California which petitioners serve, on the one hand, and Susanville, on the other hand. Petitioners allege that between these points the Southern Pacific Company operates over an interstate route through Nevada and that, hence, its rates for such transportation are not subject to orders issued by this Commission; that the Southern Pacific Company has published, effective September 1, 1939, rates lower in volume and effect than are now provided for intrastate transportation between the same points; and that unless petitioners are permitted to meet such lower rates

a loss of business will result.¹

This is not a matter in which a public hearing is necessary. The modification herein sought appears essential to enable petitioners and other common carriers to meet the rates of the Southern Pacific Company over its interstate route from and to Susanville and other points served by that route. Inasmuch as such competition does not exist at intermediate points along intrastate routes, however, the authority will require that such lower rates be maintained non-intermediate in application.

Petitioners also request authority to publish the reduced rates effective on not less than two days' notice. Inasmuch as the interstate rates are in effect, this request will be granted.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Decision No. 31606, as amended, in the above entitled proceeding, be and it is hereby further amended as follows:

Amend Finding No. 16 to read:

"That common carriers, as defined in the Public Utilities Act, will not for the future be justified in charging, collecting or observing rates, charges, rules, regulations or accessorial charges lower in volume or effect than those found justified in the preceding findings, except that upon the filing of appropriate applications therefor and the granting of such authority by the Commission, they should be authorized to maintain nonintermediate rates and charges between points in California on the one hand and points located on the line of the

¹ Southern Pacific Company serves points west of Stacy to Westwood and north of Wendel to Alturas via an interstate route through Fernley, Nevada. Susanville is located between Stacy and Westwood. Effective September 1, 1939, this carrier published an adjustment of rates from and to these points in Supplement No. 91 to Pacific Freight Tariff Bureau Tariff No. 227-E, C.R.C. No. 591, of J. P. Haynes, Agent, whereby the Westwood basis of rates will be applicable at Susanville.

Southern Pacific Company west of Stacy or north of Wendel on the other hand, no lower in volume or effect than rates and charges concurrently maintained by the Southern Pacific Company for the same transportation between the same points."

IT IS HEREBY FURTHER ORDERED that The River Lines and United Motor Transport Lines, Inc., be and they are and each of them is hereby authorized to publish rates of the volume authorized by Finding No. 16 of Decision No. 31606, as amended, in the above entitled proceeding, effective on not less than two (2) days' notice to the Commission and to the public, provided that the authority granted by this ordering paragraph is exercised within thirty (30) days from the date of this order.

In all other respects said Decision No. 31606, as amended, shall remain in full force and effect.

The effective date of this order shall be the date hereof.

Dated at Los Angeles, California, this 26th day of September, 1939.

Raymond L. ...
W. H. ...
Justice J. ...
Commissioners