

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

By appropriate petitions Camino, Placerville & Lake Tahoe Railroad Company and Pacific Coast Railway Company seek exemption from Decision No. 31924 of April 11, 1939, in the above entitled proceedings, to the extent that order requires the publication of joint rates for the transportation of livestock between points on their lines on the one hand and points on the lines of other California railroads on the other hand.¹ The latter petitioner also seeks authority under Section 63 of the Public Utilities Act to cancel joint rates already published pursuant to said Decision No. 31924.

Camino, Placerville & Lake Tahoe Railroad Company alleges that it has not transported any livestock in either local or joint line movements for a number of years and that it does not maintain facilities for handling or transporting livestock. Pacific Coast Railroad Company alleges that there has been no movement of livestock over its lines for a period of one year.

This does not appear to be a matter in which a public hearing is necessary. In view of the fact that livestock has not been transported by petitioner for a considerable period of time no purpose would appear to be served by requiring publication or maintenance of the prescribed maximum rail rates. The authority sought will be granted upon condition that petitioners agree to establish rates no higher than the prescribed maximum rates should a movement develop and to pay reparation in the amount of the difference between charges

¹ Said Decision No. 31924 established minimum rates for the transportation of livestock between points in California by highway carriers and prescribed maximum rates for like transportation by common carriers by railroad.

accruing under the published tariff rates and those which would accrue under the prescribed maximum rates in connection with shipments which may move in the future.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Camino, Placerville & Lake Tahoe Railroad Company and Pacific Coast Railway Company be and they are hereby exempted from the requirements of Decision No. 31924, as amended, in the above entitled proceedings, and Pacific Coast Railway Company is hereby authorized to cancel rates published pursuant to said decision.

IT IS HEREBY FURTHER ORDERED that the acceptance of the exemption and authority granted by this order shall be deemed to constitute agreement on the part of petitioners that should a movement develop they will publish and file with the Commission rates no higher than the maximum rates prescribed by said Decision No. 31924, as amended, and that they will agree to an award of reparation in the amount of the difference in charges accruing under their published tariff rates and those which would accrue under the prescribed maximum rates.

In all other respects said Decision No. 31924, as amended, shall remain in full force and effect.

This order shall become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, this 2nd day of

January, 1940.

Ray H. Riley
Ray B. ...
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Commissioners