

Decision No. 36644.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

CALIFORNIA PORTLAND CEMENT COMPANY,)
a corporation)
Complainant,)
vs.)
SOUTHERN PACIFIC COMPANY, a corpora-)
tion and PACIFIC ELECTRIC COMPANY, a)
corporation,)
Defendants.)

ORIGINAL

Case No. 4425

CALIFORNIA PORTLAND CEMENT COMPANY,)
a corporation,)
Complainant,)
vs.)
UNION PACIFIC RAILROAD COMPANY, a)
corporation, and ATCHISON, TOPEKA,)
AND SANTA FE RAILWAY COMPANY, a corp-)
oration,)
Defendants.)

Case No. 4464

CALIFORNIA PORTLAND CEMENT COMPANY,)
a corporation,)
Complainant,)
vs.)
SOUTHERN PACIFIC COMPANY, a corpora-)
tion, UNION PACIFIC RAILROAD COMPANY,)
a corporation, PACIFIC ELECTRIC RAIL-)
WAY COMPANY, a corporation, and)
ATCHISON, TOPEKA AND SANTA FE RAILWAY)
COMPANY, a corporation,)
Defendants.)

Case No. 4501

RIVERSIDE CEMENT COMPANY, a corpora-)
tion,)
Complainant,)
vs.)
SOUTHERN PACIFIC COMPANY, a corpora-)
tion, UNION PACIFIC RAILROAD COMPANY,)
a corporation, PACIFIC ELECTRIC RAIL-)
WAY COMPANY, a corporation, and)
ATCHISON, TOPEKA AND SANTA FE RAILWAY)
COMPANY, a corporation,)
Defendants.)

Case No. 4511

CALIFORNIA PORTLAND CEMENT COMPANY,)
a corporation,)
Complainant,)
vs.)
SOUTHERN PACIFIC COMPANY, a corpora-)
tion,)
Defendant.)

Case No. 4512

BY THE COMMISSION:

Additional Appearances

J.E. LYONS, for Southern Pacific Company.
STARR THOMAS, for Atchison, Topeka & Santa Fe
Railway Company.
F.F. WILLEY, for Pacific Electric Railway
Company.
O'MELVENY & MYERS, by Lauren M. Wright, for
Riverside Cement Company.

OPINION AND ORDER

By Decision No. 35211 of March 31, 1942 in the above entitled proceedings, the Commission found that on the record theretofore developed various carload rail rates for transportation of cement from principal points of origin in southern California to destinations other than Los Angeles and points in the immediate vicinity thereof appeared to be unduly preferential to certain mills and prejudicial to others, but that complainants had failed to show in what particular respects or to what extent such preference or prejudice might exist. Defendants were directed to review and reconsider their local and joint rates, and to submit revised rates believed to be free from unreasonable differences and to be in all other respects lawful and proper. The proceedings were dismissed, without prejudice to further consideration if and when complainants were prepared to offer additional evidence.

Revised rates subsequently submitted by the rail lines were declared unsatisfactory by one of the complainants and by an intervenor. The proceedings were reopened by the Commission on its own motion, and further hearings were had before Commissioner Craemer and Examiner Freas at Los Angeles on March 3 and 4, and September 8 and 27, 1943. The original rail proposal was expanded and revised in some respects, and certain additional evidence was adduced. At the conclusion of these hearings, the rates submitted

by defendants, with modifications made on the record, were accepted by all parties of record. The revised rates thus agreed upon are those set forth in Exhibit No. 1 received in evidence on March 3, 1943, as modified by removal, during the suspension period, of the percentage increases suspended by Decision No. 36341 of May 7, 1943, in Application No. 24670. With the establishment of these rates it appears that any unlawful discrimination shown to exist by this record will have been removed.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that the defendant rail lines be and they are and each of them is hereby authorized and directed to establish and make effective within 90 days from the effective date of this order, on not less than statutory notice, the revised rates hereinbefore identified.

IT IS HEREBY FURTHER ORDERED that with the effectiveness of said revised rates the complaints in Cases Nos. 4425, 4464, 4501, 4511, and 4512 be and they are hereby dismissed.

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

Dated at San Francisco, this 5TH day of October, 1943.

Francis D. Hovey
W. B. Ball
Richard L. Halse
Justin P. Casner

Commissioners