

Decision No. 48672**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation  
and Suspension by the Commission  
on its own motion of routing  
provisions published in Pacific  
Freight Lines Local Freight Tariff  
No. 1, Cal. P.U.C. No. 1 (series of  
E. O. Hurlburt and V. G. Keyes) and  
the Investigation of related rates,  
rules, regulations, charges, serv-  
ices, operations and practices of  
Pacific Freight Lines.

Case No. 5309

Delta Lines, Inc., a corporation,  
Merchants Express Corporation, a  
corporation, Valley Motor Lines, Inc.,  
a corporation,

Complainants,

v.

Case No. 5335

Pacific Freight Lines, a corporation,

Defendant.

ORDER DISMISSING PROCEEDINGS

These proceedings involve the question of the lawfulness of a direct highway common carrier service by Pacific Freight Lines between San Francisco Bay points and certain points north of Fresno to and including Sacramento.

By Decision No. 47234 dated June 5, 1952, in the above-entitled proceedings, Pacific Freight Lines was directed to cease and desist from operating, directly or indirectly, as a highway common carrier between San Francisco territory, as defined in Appendix "B" of Decision No. 43003, on the one hand, and any and every point on and along U. S. Highway 99 north of Fresno to and including Sacramento, on the other, except such operations as were physically conducted between such points via Tipton, unless and

until said Pacific Freight Lines should have obtained a certificate of public convenience and necessity therefor. By Decision No. 47234 the above-mentioned carrier was also directed to cancel any and all provisions of its tariff which specified any routing applicable to its highway common carrier service contrary to the foregoing directive. Paragraph (3) in the order in Decision No. 47234 reads as follows:

"That the submission of Cases 5309 and 5335 be and it is hereby set aside and the matters reopened for further hearing at a time and place to be designated by the Commission, for the limited purpose of receiving evidence relative to the reasonableness, lawfulness and propriety of the rates of Pacific Freight Lines between San Francisco Bay points, on the one hand, and points on U. S. Highway 99, Sacramento to Biola Junction, inclusive, on the other."

The effective date of Decision No. 47234 was postponed during the pendency, first of an appeal, by the carrier, of that decision to the State Supreme Court, and later of a certificate proceeding before this Commission involving, among others, some of the points embraced in the instant proceedings. Decision No. 47234 became effective April 27, 1953. Subsequent thereto, Pacific Freight Lines filed with the Commission, effective May 16, 1953, revised tariff pages by which rates between the points involved in these proceedings, with certain exceptions, were canceled. The excepted rates apply in connection with operations for which the carrier has obtained, in other proceedings and subsequent to the inception of the instant proceedings, certificates of public convenience and necessity.

In view of the above-cited facts the reasons which prompted the inclusion of paragraph (3), supra, in the order in Decision No. 47234 no longer exist.

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(1) Application No. 32907.

(2) By Decision No. 46874, dated March 17, 1952, in Application No. 31338, and by Decision No. 48468, dated April 7, 1953, in Application No. 32907.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Cases Nos. 5309 and 5335 be and they are hereby dismissed.

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

Dated at San Francisco, California, this 1st day of June, 1953.

R. T. [Signature]  
President  
James A. [Signature]  
Harold [Signature]  
[Signature]  
Commissioners