

**ORIGINAL**

Decision No. 50070

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The Truck Owners Association of  
California, a corporation,

Complainant,

vs.

Case No. 5548

Southern Pacific Company,  
Northwestern Pacific Railroad Company,  
Pacific Electric Railway Company, and  
Petaluma and Santa Rosa Railroad Company,

Defendants.

E. M. Berol and Larry M. Fites, for complainant.  
J. E. Lyons and C. W. Burkett, Jr., for defendants.

ORDER DISMISSING COMPLAINT AND VACATING ORDER OF  
SUSPENSION AND INVESTIGATION

As a result of this complaint, filed May 13, 1954, by the Truck Owners Association of California, the Commission issued an order on that date suspending until June 2, 1954, reduced rates on liquors and beverages between the San Francisco Bay and Los Angeles areas published in Items 207-A and 240-A, Supplement 5 to Southern Pacific Tariff 1505-B, Cal. P.U.C. 3898.

The matter was set for public hearing at San Francisco on May 20, 1954, before Examiner Jacopi.

Counsel for complainant requested at the hearing that the complaint be dismissed and the order of suspension vacated. He explained that rates even lower than those involved herein have been found to be available to highway carriers. In addition, he said, prosecution of the complaint would not result in a solution of the complicated problems which became apparent upon further study.

Counsel for defendants pointed out that a large volume of traffic is involved. He urged that the order of suspension be vacated as soon as possible.

In the circumstances, the complaint will be dismissed and the suspension vacated. The order will be made effective immediately.

In granting the request to dismiss, the Commission suggests that parties give careful consideration to a situation before invoking the summary processes of this Commission.

*added*

Therefore, good cause appearing,

IT IS HEREBY ORDERED that the above-entitled complaint be and it is hereby dismissed and that the Order of Suspension and Investigation dated May 13, 1954, be and it is hereby vacated:

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 24<sup>th</sup> day of May, 1954.

*Ed L. Mitchell*  
President

*Justin F. Craemer*

*Samuel D. Potter*

*Gene Higgins*

Commissioners