

Decision No. 50526

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CALIFORNIA PORTLAND CEMENT COMPANY, a corporation,	}	
Complainant,		
vs.	}	Case No. 5348
THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY,		
a corporation, and UNION PACIFIC RAILROAD COMPANY, a corporation,		
Defendants.	}	

CALIFORNIA PORTLAND CEMENT COMPANY, a corporation,	}	
Complainant,		
vs.	}	Case No. 5349
SOUTHERN PACIFIC COMPANY, a corporation,		
Defendant.		

In the Matter of the Investigation into the rates, rules, regulations, charges, allowances and practices of all common carriers, highway carriers and city carriers, relating to the transportation of cement and related items in Southern California.	}	Case No. 5352

OPINION AND ORDER

California Portland Cement Company filed the above complaints on December 27, 1951. In the complaints it urged that this Commission institute an investigation into all rail and highway carrier rates for the transportation of cement in southern California. Accordingly, Case No. 5352 was instituted. Complainant filed petitions to dismiss the complaints on November 13, 1952, on the grounds that the questions raised were included within the scope of Case No. 5352. The Commission concluded not to dismiss the complaints while the investigation proceeding was pending.

At a hearing scheduled for September 30, 1953, the complainant in Cases Nos. 5348 and 5349 was not prepared to offer

evidence, whereupon the defendants The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company joined in motions to dismiss the complaints with prejudice for want of prosecution. By Decision No. 49229 of October 20, 1953, the Commission denied the motions to dismiss the complaints.

By request filed on August 10, 1954, the complainant again requests dismissal of the complaints without prejudice, and suggests that the investigation proceeding be discontinued also. It states that conditions have changed since the institution of these proceedings. In view of the changed conditions and the lapse of time since these proceedings were started, complainant's request will be granted.

Therefore, good cause appearing,

IT IS HEREBY ORDERED:

(1) That the complaints in Cases Nos. 5348 and 5349 be and they are hereby dismissed without prejudice.

(2) That the investigation in Case No. 5352 be and it is hereby discontinued.

Dated at San Francisco, California, this 14th day of

Open September
~~August~~, 1954.

John E. ...
President
Justice D. ...
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Commissioners