

ORIGINALDecision No. 51500

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PACIFIC SOUTHWEST RAILROAD ASSOCIATION,
 PACIFIC FREIGHT LINES, VALLEY EXPRESS
 CO. and CALIFORNIA MOTOR EXPRESS, LTD.,

Complainants,

vs.

SOUTHERN CALIFORNIA FREIGHT LINES,
 FIRST DOE and SECOND DOE,

Defendants.

Case No. 4949

Commission investigation into the
 operations and practices of SOUTHERN
 CALIFORNIA FREIGHT LINES, a corporation.

Case No. 5142

OPINION MODIFYING DECISION NO. 46636

The Commission upon reviewing the long history of the proceedings herein, notes that they were commenced long prior to the Samuelson, Souza, Alves and Nolan decisions of the California Supreme Court. (Samuelson v. Commission, 36 Cal. 2d 722; Souza v. Commission, 37 Cal. 2d 539; Alves v. Commission, 41 Cal. 2d 344; Nolan v. Commission, 41 Cal. 2d 392.) The evidence was predicated upon events which occurred in 1950. Even at the time of the resulting Decision No. 46636 on January 8, 1952, the Commission had not yet had for guidance the Court's pronouncements in the Alves and Nolan cases. Petition for rehearing was filed on January 18, 1952 within time to stay the effective date of Decision No. 46636. The matter then remained in abeyance for three years until January 25, 1955 when rehearing was denied. In the interim Southern California Freight Lines was granted certificated authority for many of the points which were the subject of Decision No. 46636, thereby rendering moot, as to such points, the propriety of said decision. By the Commis-

sion's action of January 25, 1955, the cease and desist order of Decision No. 46636 became operative against Southern California Freight Lines for service between Los Angeles, on the one hand, and Newhall, Saugus, Castaic, Fillmore, Santa Paula, Saticoy, Oxnard, Port Hueneme, Ventura, Carpinteria, Montecito and Santa Barbara, on the other hand. Thereafter petition for writ of review was filed before the California Supreme Court by the carrier, and that matter is now pending.

Because of the considerable passage of time since the beginning of these proceedings and the intervening changes in the Commission's approach to status matters resulting from the pronouncements of the Supreme Court, we are of the opinion that the interests of justice would be served by modifying our Decision No. 46636 to render it inapplicable to service by respondent between the points named above. Therefore, good cause appearing,

IT IS ORDERED that Decision No. 46636 is modified by making the opinion and ordering portion thereof inapplicable to operations by Southern California Freight Lines between Los Angeles, on the one hand, and Newhall, Saugus, Castaic, Fillmore, Santa Paula, Saticoy, Oxnard, Port Hueneme, Ventura, Carpinteria, Montecito and Santa Barbara, on the other.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 24th day of May, 1955.

John E. Mitchell President
August J. Wheeler
Paul J. Williams
Walter H. ...
 Commissioners