

ORIGINAL

Decision No. 55143

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOHN L. AASEN, an individual,)
doing business as JOHN L.)
AASEN LUMBER CO., et al.,)

Complainants)

-vs-

THE ARCATA AND MAD RIVER)
RAILROAD COMPANY, et al.,)

Defendants.)

Case No. 5613

ORDER OF DISMISSAL

Complainants in this proceeding seek reparation in connection with rates assessed and collected by defendant railroads for the transportation of various carload shipments of lumber from certain origins in northern California to specified destinations in southern California. They allege that the rates which were assessed were greater than the rate concurrently maintained for longer distances over the same line or route in the same direction, the shorter being included within the longer distance and that the assessed rates were thereby in violation of Section 460 of the Public Utilities Code and of Section 21, Article XII of the State Constitution. This proceeding was one of a number of complaints involving similar shipments.

Decision No. 51956 of September 13, 1955, in Application No. 37160, granted defendant railroads blanket authority to make reparation to persons who paid and bore the charges and made claim therefor in writing to one of the defendants herein on similar shipments of lumber from and to various points including the points here involved. Complainants desired to keep this proceeding open until

all claims involved were settled under the authority granted by Decision No. 51956.

The instant complaint was filed on January 26, 1955, and amended July 15, 1955. Defendants were granted a number of extensions of time to file an answer to the amended complaint. The answer was filed December 11, 1956, and contained a motion to dismiss the complaint on the basis that complainants have been afforded ample opportunity in which to present their claims. By letter, dated January 11, 1957, complainants requested that the complaint not be dismissed for at least sixty days. No further requests for extensions have been received.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that the above-entitled complaint be and it is hereby dismissed.

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

Dated at San Francisco, California, this 18th day of June, 1957.

Edmund ...
 President

Paul ...

...

Commissioners