

Decision No. 55324

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARTIN BROTHERS BOX COMPANY OF)
CALIFORNIA, a corporation,)
Complainant,)

vs.)

Case 5592

NORTHWESTERN PACIFIC RAILROAD)
COMPANY, a corporation,)
SOUTHERN PACIFIC COMPANY, a)
corporation, and PACIFIC ELECTRIC)
RAILWAY COMPANY, a corporation,)
Defendants.)

ORDER AMENDING DECISION
AND DENYING REHEARING

Defendants, following their petition for extension of effective date, having jointly petitioned for rehearing of Decision No. 54790, alleging error therein, the Commission having considered said petition, and good cause appearing,

IT IS ORDERED that the said Decision No. 54790 herein be and it is hereby amended as follows:

1. Page 3 reads: "\$64,295.53⁽³⁾". Should read: "\$64,259.53⁽³⁾".

Footnote (3) reads: "\$1,179.34". Should read: "\$1,179.14".

2. Page 10. Amend footnote 7, by adding thereto the following sentence:

"Moreover, the record indicates that the provisions of Item No. 5 series were not observed when charges on the shipments here in issue were originally assessed on the basis of the board foot herein sought."

3. Page 21. In lieu of the first complete sentence substitute the following:

"It is our conclusion, and we so find, that the rates and charges lawfully applicable to the shipments involved herein were, under all the circumstances and conditions existing at time of movement, unjust and unreasonable to the extent that they exceeded the board foot rates and charges which were concurrently applicable to shipments of sawn lumber, as described in Commodity Rate Group C of the governing tariffs, from the same points of origin to the same point of destination, excluding, however, application of the provisions of the 'thickness' rule as set forth in Item No. 520 series of those tariffs."

4. Page 21. In lieu of the first sentence in the complete paragraph on the lower half of the page substitute the following:

"We further conclude, and hereby find, for the future, that rates and charges on carload shipments of rotary cut lumber and rotary cut veneer embraced in the commodity description proposed by complainant, as shown in Exhibit No. 14, moving from Arcata and Eureka to Whittier, are and will be unjust and unreasonable to the extent that they exceed the board foot rates concurrently applicable, as an alternative basis, to shipments of lumber as described in Commodity Rate Group C of the governing tariffs, exclusive, however, of the provisions of the aforesaid Item No. 520 series, from and to the same points via the route over which the shipments in this complaint moved."

5. Page 22. Delete the first paragraph, reading:

"The evidence is insufficient"

6. Page 23. Change the last three lines of the complete paragraph therein, reading: "and the determination of thickness" to read: "but excluding the rule (Item No. 520 series) for the determination of thickness, concurrently governing said rates on lumber as described in 'Commodity Rate Group C.'"

IT IS FURTHER ORDERED that in all other respects Decision No. 54790 is affirmed and the petition for rehearing denied.

The effective date of this order shall be sixty (60) days after the date hereof.

Dated at Los Angeles, California, this 30th day of July, 1957.

John E. Mitchell
President
Russ M. ...
Thomas ...
R. ...
C. ...
Commissioners