

Decision No. 55220

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of certain railroads and )	
connecting highway common carriers )	
for authority to increase local and )	Application No. 37697
joint freight rates and charges (1956).)	

Application of certain railroads and )	
connecting highway common carriers )	
for authority to increase local and )	Application No. 38557
joint freight rates and charges. )	

SUPPLEMENTAL OPINION AND ORDER

Decision No. 55942 of December 10, 1957, in these proceedings, authorized California railroads and certain connecting highway carriers to establish the same respective increases in their California intrastate rates and charges as are maintained on like interstate traffic between points in California, and between points in California and points in adjoining states under the authorization of the Interstate Commerce Commission in Ex Parte Nos. 196 (298 I.C.C. 279) and 206 (299 I.C.C. 429) with certain exceptions. Among the exceptions was the provision that the Ex Parte No. 196 increases not be applied to rates established under the terms of the Interstate Commerce Commission's order in Blue Diamond Corp. v. Atchison, T. & S.F. Ry. Co. (299 I.C.C. 549). In that proceeding the Interstate Commerce Commission found that California intrastate carload rates for the transportation of plaster and plasterboard were unduly prejudicial to interstate rates and ordered that the Ex Parte No. 196 increases be applied to the California intrastate rates.

By petition filed January 15, 1958, as amended, applicants seek amendment of Decision No. 55942 to provide, in the event the Interstate Commerce Commission vacates its order in the Blue Diamond case, supra, that the Ex Parte No. 196 increases be authorized by this Commission to apply to the intrastate rates on plaster and plasterboard. They also seek a 120-day extension of time to file rates under that authority insofar as these commodities are concerned. The present authority expires February 28, 1958.

According to the petition, as amended, an interested party in the aforesaid Blue Diamond case has filed a motion to have the outstanding order of the Interstate Commerce Commission vacated on the ground that the Ex Parte 196 increases have been authorized for commodities generally, including plaster and plasterboard, by this Commission. Applicants state that a question has arisen as to whether the authority granted by Decision No. 55942, supra, is sufficient for them to maintain the Ex Parte No. 196 increases on plaster and plasterboard should the Interstate Commerce Commission cancel its outstanding order. The sought extension of time, applicants assert, is necessary pending the outcome of the Interstate Commerce Commission's action in the Blue Diamond case. They state that the sole purpose of their instant petition is to ensure that appropriate authority exists for the maintenance of the Ex Parte No. 196 increases on plaster and plasterboard, should the Interstate Commerce Commission vacate its order in the aforementioned case.

In the circumstance, it appears and the Commission finds, that the proposed amendment of the authority and sought extension of time are justified. No increase in the existing rates will ensue. Therefore, the petition, as amended, will be granted.

Therefore, good cause appearing,

IT IS ORDERED:

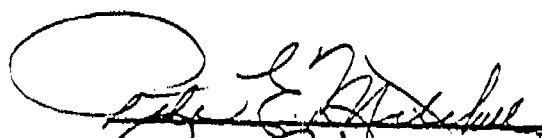
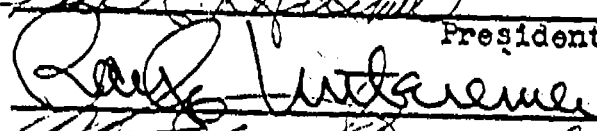
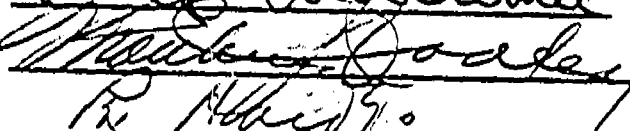
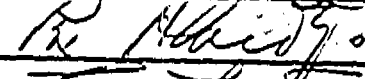
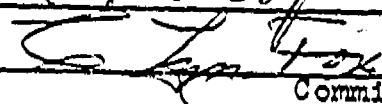
(1) That the order in Decision No. 55942 of December 10, 1957, in these proceedings, is hereby amended by providing as follows: "In the event the Interstate Commerce Commission vacates its outstanding order in Blue Diamond Corp. v. Atchison, T. & S.F. Ry. Co., I.C.C. Docket No. 32031, applicant carriers herein are hereby authorized to apply the Ex Parte No. 196 increases to rates and charges so affected, provided that no increases over intrastate rates and charges theretofore obtaining are made."

(2) That the time for filing the rates under the authority contained in the preceding ordering paragraph is hereby extended to June 28, 1958.

In all other respects said Decision No. 55942 shall remain in full force and effect.

This order shall become effective February 28, 1958.

Dated at Los Angeles, California, this 10<sup>th</sup> day of February, 1958.

  
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President  
  
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Commissioners