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ORIGINAL

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
PACIFIC SOUTHCOAST FREIGHT BUREAU for )  
authority to waive collection of )  
undercharges on certain shipments of ) Application No. 41206  
Imperial Valley sugar beets. )

OPINION AND ORDER

By this application, Pacific Southcoast Freight Bureau, on behalf of all carriers parties to the applicable tariff, requests authority to waive undercharges which accrued on certain shipments of sugar beets from the Imperial Valley during the period April 1 to April 29, 1959, inclusive.

The application shows that the Commission, by its Special Docket Authority No. 491-2392 dated March 17, 1959, authorized the publication on five days' notice of reduced rates at an increased minimum weight for the transportation of sugar beets from certain Imperial Valley points to Betteravia, Oxnard and Dyer. The authorized rates were published to become effective on April 1, 1959, and were distributed in the usual manner to all shippers concerned and to railroad agents and auditors but, through inadvertence, the tariff supplement was not filed with the Commission.

The application avers that the shippers and carriers, based on the understanding that the lower rates had been filed with the Commission, commenced using them on April 1, 1959. After the movement was well under way the tariff filing failure was discovered and corrected by tariff supplement effective April 30, 1959. In the meantime, undercharges accrued representing the difference between the charges assessed and the charges which would have resulted under the rates legally applicable. Applicant urges

that to attempt at this time to collect these undercharges from shippers and refiners would be manifestly unjust and unfair. It declares that the assessment of such charges under the circumstances would be in law unreasonable and that, as the difference has not been collected from any shipper, a waiver of such undercharges would be just, reasonable and nondiscriminatory.

Based on the facts stated in the verified application, the Commission is of the opinion and finds that the requested waiver of outstanding undercharges will be just and reasonable. The application will be granted.

Therefore, good cause appearing,

IT IS ORDERED that carriers parties to Freight Tariff 65-M, Pacific Southcoast Freight Bureau, Agent, are hereby authorized to waive the collection of outstanding undercharges on certain shipments of sugar beets made during the period from April 1 to April 29, 1959, inclusive, as set forth specifically in the above-entitled application.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 24th day of June, 1959.

E. L. Fox  
President  
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Commissioners