

**ORIGINAL**

Decision No. 71044

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MONOLITH PORTLAND CEMENT COMPANY,  
a corporation,

Complainant,

vs.

Case No. 7604

THE ATCHISON, TOPEKA AND SANTA FE  
RAILWAY COMPANY, a corporation,

Defendant.

ORDER OF DISMISSAL

On April 26, 1963, complaint was filed in this proceeding by Monolith Portland Cement Company concerning the rates and charges maintained and assessed by The Atchison, Topeka and Santa Fe Railway Company for the transportation of cement, in carloads, from Monolith to marketing areas in, and in the vicinity of, San Bernardino, Pomona, Elsinore and Hemet. Complainant alleges that said rates and charges are unjust and unreasonable in relation to lower rates which are being maintained and assessed by defendant for the transportation of cement to the same marketing areas from competing cement producers at Oro Grande, Victorville and Cushenbury. Complainant seeks reductions in said rates from Monolith for the future.

To date complainant has not undertaken to prosecute its complaint. Assertedly, action thereon has been deferred pending disposition of a related issue before the Interstate Commerce Commission.

Nevertheless, the complaint should not be carried indefinitely on the Commission's docket. It will be dismissed.

IT IS ORDERED that the complaint in Case No. 7604 is dismissed.

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

Dated at San Francisco, California, this 26<sup>th</sup> day of JULY 1966.

1966.

John H. Mitchell  
President

George L. Hoover

Fredrick B. Hildhoff

Augustor

William W. Bennett  
Commissioners