

ORIGINALDecision No. 73213

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SOUTHERN PACIFIC
 COMPANY to discontinue the operation
 of passenger trains Nos. 75 and 76
 between San Francisco and Los Angeles. } Application No. 49654
 (Filed September 1, 1967)

Charles W. Burkett, for Southern Pacific
 Company, applicant.
Charles E. Porter, for Order of Railroad
 Conductors & Brakemen, protestant.
J. L. Evans, for BLF&E State Legislative
 Board; George W. Ballard, for Brotherhood
 of Railroad Trainmen, AFL-CIO; Charles
 H. Purkiss, for Brotherhood of Railway
 Clerks; and Charles E. Mattson, Deputy
 City Attorney, Roger Arnebergh, City
 Attorney, and Robert W. Russell, Chief
 Engineer and General Manager, Depart-
 ment of Public Utilities and Transporta-
 tion, for the City of Los Angeles,
 interested parties.
John C. Gilman, Counsel, for the Commission
 staff.

INTERLOCUTORY ORDER

On October 2, 1967, the counsel for the Commission staff
 filed a motion herein requesting an interlocutory order providing
 that:

A. Southern Pacific Company should amend its application
 to set forth in detail the efforts made since July 20, 1966, to
 improve the service on, and promotion of, passenger traffic on the
 Lark trains, or that said application should be dismissed for
 failure to set forth facts sufficient to justify the relief sought.

B. Southern Pacific Company should amend its application
 or provide in the form of proposed exhibits, a detailed statement
 of:

- 1) The operating revenues and expenses of said
 train during the past year;

- 2) All traffic and operating statistics by month for the past year;
- 3) Feeder revenue data for the past year;
- 4) Identify and project the future effect of any changes in operations which the company intends to make in the near future.

Public hearing on the motion was held before Commissioner Gatov and Examiner Cline at San Francisco on October 16, 1967. At the conclusion of the hearing the motion was taken under submission.

Counsel for the Southern Pacific Company at the hearing pointed out that the relief sought by the applicant in this proceeding is legislative in nature and that the Commission is not bound by its statements in Decision No. 70939 in Application No. 48219 and Case No. 8378, respecting the efforts of Southern Pacific Company to compete in the open market with all other modes of transportation and to merchandise attractively and vigorously its Lark trains.

The Commission finds that the Commission and the public are, in this proceeding, concerned with any alleged changes in circumstances which would justify the Commission in reversing said Decision No. 70939 and concludes that the disposition of this proceeding will be expedited if the Commission staff and other interested parties have advance notice of the issues to be raised by Southern Pacific in this proceeding, either by the appropriate amendment of the application herein or by the advance distribution of proposed exhibits by the Southern Pacific Company, or both.

Further, it is contemplated that the Commission staff itself will prepare and distribute its own proposed exhibits in this proceeding on or before November 10, 1967.

IT IS ORDERED that Southern Pacific Company, either by amendments to the application served on the appearances and filed herein on or before October 27, 1967, or by the advance distribution on or before October 27, 1967, of copies of proposed exhibits to the appearances in this proceeding, including three copies of such exhibits to the Commission staff counsel and two copies to the Secretary of the Commission, shall provide detailed statements of the following information:

1. Efforts made by Southern Pacific Company since July 20, 1966, to improve the service on, and promotion of, passenger traffic on its passenger Trains Nos. 75 and 76 between San Francisco and Los Angeles.

2. Operating revenues and expenses of said trains for the past year ending at the end of the most recent month for which such information is readily available.

3. Traffic and operating statistics for said trains by month for the past year ending with the most recent month for which such information is readily available.

4. Feeder revenue data for said trains for the past year ending at the end of the most recent month for which such information is available.

A. 49654 ds

5. Changes in the operations of said trains which Southern Pacific Company intends to make in the near future and the projected future effect of said changes during the coming year on operating income and expenses of said trains.

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

Dated at San Francisco, California, this
17th day of OCTOBER, 1967.

President

Attorney

William Symons Jr.

Sheldon P. Monissey
Commissioners