

ORIGINAL

Decision No. 78051

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern Pacific  
Transportation Company for  
authority to discontinue  
Trains Nos. 51-52 and 53-54.

Application No. 52182  
(Filed September 4, 1970)

Charles W. Burkett and W. H. Wilson, Attorneys at Law, for Southern Pacific Company, applicant.  
Bodle, Fogel, Julber & Reinhardt, by George E. Bodle, Attorney at Law, for United Transportation Union, California Legislative Board; D. H. Brey, for Brotherhood of Locomotive Engineers; J. L. Evans, for California Legislative Board; and J. E. Howe, for United Transportation Union - T., protestants.  
Leland E. Butler, Attorney at Law, for The Atchison, Topeka and Santa Fe Railway Company, interested party.  
William J. McNertney, Attorney at Law, for the Commission staff.

OPINION AND ORDER

Prehearing conference in the above-entitled matter was held before Examiner Gilman in San Francisco on October 19, 1970. At that time counsel for the Commission staff made a motion to dismiss based on the passage by Congress of the Rail Passenger Service Act of 1970.

The presiding Examiner ruled that the motion would be taken under submission 10 days after the staff had provided the Commission with sufficient indication of the final text of the bill and its signature by the President of the United States. The staff provided a copy of the bill's text and a copy of a letter to Commissioner Gatov from President Nixon indicating signature of the

bill on October 30, 1970; these documents were received on November 10, 1970 and together with the letter of transmittal will be marked as Exhibit No. 1 herein. The motion was submitted to the Commission on November 20, 1970.

Section 404 of the act would prevent applicant from exercising any authority to discontinue granted by this Commission before January 1, 1975 or until The National Rail Passenger Corporation has, by contract, relieved applicant of its entire responsibility for the provision of intercity passenger service (§401(a)(1)).

Consequently, we hold the instant proceeding premature and order its dismissal without prejudice.

IT IS HEREBY ORDERED that the above-entitled proceeding be dismissed without prejudice.

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

Dated at San Francisco, California, this 8th day of DECEMBER, 1970.

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Chairman

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*William J. ...*

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Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.