

Mr. MAHONEY. This is a quote from the statute. The carrier may file with the Commission a notice at least 30 days in advance of such proposed discontinuance or change.

Mr. SKUBITZ. But the next statement says that the carrier filing such notice may discontinue.

Mr. MAHONEY. Any such operations pursuant to such notice. That means only pursuant to such notice because there is no alternative permitted the carrier. They must file their notice at least 30 days in advance of when they want to take it off.

They might say, "We are going to take it off 50 days from today," and if they say that, they are stuck with the 50 days, not 30 days.

Mr. SKUBITZ. Are you saying that if the Commission 10 days after the filing of this notice completes its investigation and says, "It looks to us like you can take it off," that they must still go on for 20 days?

Mr. MAHONEY. Yes; for that 30 days is for the public, like this poor woman left out in the cold in the middle of Oklahoma.

Mr. SKUBITZ. I feel sorry for the woman, but I am also thinking about a railroad that is losing a lot of money.

Mr. MAHONEY. The railroads prepare these statements and file the notices when they want to. It is up to them to make the value judgment that "We shouldn't carry this train any longer than 60 days from now. It is too much of a burden. We will file our notice today and get rid of it in 30 days." It is up to the railroad. If they wait, they have to wait.

Mr. SKUBITZ. I am trying to put myself in the position of Mr. Marsh. I think I would have done the same thing he did. I probably would have violated the law, but after I notified the Commission that they are not going to do anything——

Mr. MAHONEY. Mr. Marsh had a choice. He could have left that mail on those trains and still made a profit on those trains. But Mr. Marsh decided to take the storage mail off. He could have left that mail on and it could still have been a profitable train. But he decided to take it off. He set up his case. He made his own facts.

The CHAIRMAN. In the light of the revised second sentence, which would read that a carrier filing the notice may not discontinue a train except as ordered by the Commission, in the second sentence, do you read the new third sentence to mean that as a discontinuance of a train at the end of a 30-day period the infinitive "to permit" is implicitly modified by the phrase "by order" in every instance?

Mr. MAHONEY. Yes; I do.

The CHAIRMAN. Thank you very much.

Our next witness will be Mr. Paul Rodgers, general counsel, National Association of Regulatory Utility Commissioners.

I understand you have a prepared statement, Mr. Rodgers, and you are prepared to submit it for the record and to summarize it.

STATEMENT OF PAUL RODGERS, GENERAL COUNSEL, NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS

Mr. RODGERS. That is correct, Mr. Chairman.

Mr. Chairman and members of the committee, my name is Paul Rodgers. I am the general counsel for the National Association of Regulatory Utility Commissioners.

Our association is composed of the State regulatories in 50 States that regulate carriers. We believe that the decline in the use of rail