

Decision No. 14358

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Sierra Oil & Refining Company,)
a corporation,)

Complainant,)

vs.)

Southern Pacific Company,)
a corporation,)

Defendant.)

CASE NO. 2052

ORIGINAL

Gwyn H. Baker, for Complainant
(F.W.Mielke for Southern Pacific Company.
(L.N.Bradshaw.

BY THE COMMISSION:

O P I N I O N

Complainant, a corporation, is engaged in the business of refining, shipping and marketing petroleum and petroleum products, with offices at Los Angeles.

By complaint filed October 10, 1924, it alleges that the rates charged for the transportation of crude petroleum oil shipped from Fillmore and Los Angeles to Leesdale during the period December 27, 1923 to March 4, 1924 were unreasonable, excessive and in violation of Section 13 of the Public Utilities Act. We are asked to award reparation only. The charges were collected from both Fillmore and Los Angeles to Leesdale at rate of 12 $\frac{1}{2}$ cents per 100

195

pounds, as provided in Southern Pacific Local, Joint and Proportional Tariff No. 333-G, C.R.C. 2496. Reparation is sought on the basis of 5 cents per 100 pounds against the shipments moving from Fillmore to Leesdale, and 6 cents per 100 pounds against shipments moved from Los Angeles to Leesdale. Effective January 25, 1924 defendant established in its Tariff C.R.C. No. 2496 rate of 9 cents per 100 pounds from Los Angeles to Leesdale for the transportation of crude petroleum oil, carloads, and effective April 27, 1924, in the same tariff, established rate 8 cents per 100 pounds on the same commodity from Fillmore to Leesdale.

A hearing was conducted before Examiner Geary at San Francisco December 10, 1924. No testimony or exhibits were presented by either complainant or defendant.

Defendant admitted that the charges collected on the basis of 12½ cents per 100 pounds from both shipping points was excessive and unreasonable and was agreeable to paying reparation based upon the present rate of 9 cents per 100 pounds from Los Angeles to Leesdale, which became effective January 25, 1924, and rate of 8 cents per 100 pounds from Fillmore to Leesdale, made effective April 27, 1924. This adjustment was satisfactory to complainant.

We find that the rates charged for the transportation of thirteen carloads of crude petroleum oil shipped from Fillmore to Leesdale, and two cars from Los Angeles to Leesdale during the period December 27, 1923 to March 4, 1924 were unreasonable to the extent they exceeded rate of 9 cents per 100 pounds from Los Angeles to Leesdale prior to January 25, 1924, and rate of 8 cents per 100 pounds from Fillmore to Leesdale prior to April 27, 1924; that the complainant made the shipments as described and paid and bore the charges thereon; that it has been damaged, and that the excess

collection amounting to \$619.92 should be awarded as reparation.

O R D E R

This case being at issue upon complaint and answer on file, having been fully heard and submitted by the parties, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof.

IT IS HEREBY ORDERED that the Southern Pacific Company be and is hereby authorized and directed to refund to the Sierra Oil & Refining Company, a corporation, the sum of \$619.92, this being the difference between the amount collected and what would have been collected on the basis of a rate of 9 cents per 100 pounds from Los Angeles to Leesdale, and 8 cents per 100 pounds from Fillmore to Leesdale against the shipments involved, which rates are found to be just and reasonable for the transportation of crude petroleum oil between the points in question.

Dated at San Francisco, California, this 12th
day of December, 1924.

W. S. Seaver

Lawrence Martin
Egerton Shore

Commissioners.