

ORIGINAL

Decision No. 14362

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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Pacific Portland Cement Company, Cons.,
a Corporation,

Complainant,

vs.

Southern Pacific Company, a Corporation,

Defendant.

CASE NO. 1730

BY THE COMMISSION -

ORDER OF THE COMMISSION ON PETITION FOR REHEARING

IN THE MATTER OF THE PETITION OF THE SOUTHERN
PACIFIC COMPANY FOR A REHEARING IN DECISION
NO. 13065, CASE NO. 1730, MADE AND FILED HEREIN
ON JANUARY 19, 1924, WHICH DECISION ORDERED
THE DEFENDANT CARRIER TO PAY UNTO THE COMPLAIN-
ANT REPARATION AGAINST THE CHARGES COLLECTED
FOR THE TRANSPORTATION OF CRUDE OIL ROCK MOVING
FROM FLINT TO TOLEMAS DURING THE FEDERAL GUARANTY
PERIOD, MARCH 1 TO AUGUST 31, 1920.

It appearing that on February 18, 1924, the Commission entered its order in the above entitled proceeding denying petition of the Southern Pacific Company for a rehearing, and that on March 13, 1924, issued its order rescinding prior order denying rehearing. This last order was granted after a hearing upon the showing that there was pending before the Supreme Court of California a proceeding involving the right of this Commission to order the carriers to pay reparation during the so-called federal guaranty period, March 1, 1920, to and including the 31st day of August, 1920.

The Supreme Court on November 5, 1924, in the case of Southern Pacific Company vs. Railroad Commission, S.F. 11012, 68 Cal. Dec. 401, held that the Railroad Commission possessed jurisdiction to award reparation for excessive or unreasonable charges made and paid during the so-called federal guaranty period.

IT IS THEREFORE ORDERED that the Commission set aside its Decision No.13262 in Case No.1730, dated March 13,1924,-

IT IS FURTHER ORDERED upon consideration of the matters involved, and good cause appearing therefor , that the petition of the Southern Pacific Company for a rehearing in the above entitled proceeding be and it is hereby denied.

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

C. C. Seavey

Irving Martin
Egerton Shore

Commissioners.