

Decision No. 14545-

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-ooo-

WEST COAST PORCELAIN MANUFACTURERS, Inc., )

Complainant :

vs. )

THE ATCHISON TOPEKA AND SANTA FE RAILWAY  
COMPANY, SOUTHERN PACIFIC COMPANY, :

Defendants. )

Case No. 2088

BY THE COMMISSION:

O P I N I O N

The West Coast Porcelain Manufacturers, with offices at Millbrae, California, filed complaint on January 8, 1925, alleging that the rates assessed and collected for the transportation of feldspar from Winchester and Perris to Millbrae were unjust and unreasonable to the extent they exceeded 48½ cents per 100 pounds from Winchester and 43 cents per 100 pounds from Perris.

Reparation only is sought. Rates are stated in cents per 100 pounds.

At the time these shipments moved there was in effect a rate of 54 cents from Winchester to Millbrae and a rate of 47½ cents from Perris to Millbrae, applying to feldspar. The applicable rates were a combination of commodity and class rates over Los Angeles. From Winchester the factors were

were 11 cents, minimum weight 60,000 pounds, to Los Angeles, and 43 cents, minimum weight 40,000 pounds, beyond. The factors from Perris were 9 cents, minimum weight 60,000 pounds, to Los Angeles, and 38½ cents, minimum weight 40,000 pounds beyond. The factors from Winchester and Perris to Los Angeles are not involved in this proceeding.

Reparation is sought on the basis of 37½ cents and 34 cents from Winchester and Perris, respectively, for that portion of the haul from Los Angeles to Millbrae.

The shipment from Winchester to Millbrae moved on June 20, 1922. The shipment from Perris to Millbrae moved on September 22, 1922.

The rate of 37½ cents from Los Angeles to Millbrae was not specifically published. The rate of 34 cents from Los Angeles to Millbrae was published effective July 19, 1923, and is 10 per cent lower than the rate of 37½ cents referred to above, by reason of the general reduction authorized by the Commission, effective July 1, 1922.

In the answer to this formal complaint defendants admit all of the allegations and pray that the relief requested by the complainant be granted. Under the issues as they stand a formal hearing is now unnecessary.

We find that the rates of 43 cents and 38½ cents from Winchester and Perris, respectively, for that portion of the haul from Los Angeles to Millbrae were unreasonable and excessive to the extent they exceeded 37½ cents and 34 cents, respectively; that complainant made the shipments as described in the complaint and paid and bore the charges thereon; that it has been damaged to the amount of the difference between

the charges paid and those that would have accrued at the rates herein found reasonable for that portion of the haul from Los Angeles to Millbrae and that it is entitled to reparation.

The amount alleged to be due is set forth in the complaint as \$92.75 which amount cannot be verified by the present record. Complainant should furnish a statement of the shipments to defendant for check.

If it is not possible to reach an agreement the matter may be referred to this Commission for further consideration and the entry of a supplemental order should such be necessary.

#### O R D E R

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

IT IS HEREBY ORDERED that defendants The Atchison Topeka and Santa Fe Railway Company and Southern Pacific Company accordingly as they participated in the transportation, be, and they hereby are authorized and directed to pay unto complainant, West Coast Porcelain Manufacturers Company, all charges that may have been collected in excess of the rates of  $37\frac{1}{2}$  cents and 34 cents on shipments from Winchester and Perris, respectively, for that portion of the haul from Los

Angeles to Millbrae which rates are found to be reasonable for the transportation of feldspar involved in this proceeding.

Dated at San Francisco, California, this 9<sup>th</sup> day of February, 1925.

W. H. Roundidge  
Chairman  
Egerton Shore  
George D. Quinn  
Commissioners