

Decision No. 14620

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
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C. F. Braun & Company,)
Complainant,)
vs.)
Southern Pacific Company,)
Defendant.)

CASE NO. 2083.

BY THE COMMISSION:

ORIGINAL

O P I N I O N

The C. F. Braun & Company, with its principal place of business at Alhambra, California, filed complaint December 30, 1924, alleging it suffered damages to the extent that rate assessed by defendant for the transportation of carloads of freight, regardless of classification, from Los Angeles to Shorb, on traffic originating at points beyond, exceeded \$7.20 per car.

Reparation only is sought.

The shipments, consisting of 41 miscellaneous carloads, moved during the period October 14, 1922 to July 13, 1923 from points north of Los Angeles, principally San Francisco, Stockton and Pacific Grove, and from points in Southern California to Shorb. The statute of limitation was tolled by the Commission's letter to complainant, dated August 12, 1924, File I.C.30893.

The only factor involved in this proceeding is from Los Angeles to Shorb.

Effective July 24, 1923 defendant established from Los Angeles to Shorb, in Item 2060-C of its Tariff 730-B, C.R.C.2629, a rate of \$7.20 per car, applicable to freight, regardless of

classification, on traffic originating at points beyond Los Angeles.

In its answer to the formal complaint defendant denied the allegation of the complainant and prayed that the complaint be dismissed. Under date February 14, 1925 defendant presented an amended answer, wherein it admitted the allegation of complainant and signified its willingness to make a reparation adjustment.

Under the issues as they now stand a formal hearing is unnecessary. We find that complainant made shipments as described in the complaint; that it paid and bore the charges thereon and has been damaged to the amount of the difference between the charges paid and those that would have accrued at \$7.20 per car and that it is entitled to reparation with interest.

The amount alleged to be due is set forth in the complaint as \$516.01, which amount cannot be verified in the absence of the original paid freight bills. The complainant should submit statements to the 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 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 defendant, the Southern Pacific Company be, and it is hereby authorized to refund, with interest, to complainant, C.F. Braun & Company, all charges it may have collected in excess of \$7.20 per car for the transportation of carloads of freight, regardless of classification, involved in this proceeding, from Los Angeles to Shorb, on traffic originating beyond Los Angeles.

Dated at San Francisco, California, this 3rd day of March, 1925.

H. K. Brandegee

George D. Squires

Ernest Scott
Commissioners