

Decision No. 14805

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Union Sugar Company,)
Complainant.)
vs.)
Pacific Coast Railway Company.)
Defendant.)

CASE NO. 2113

ORIGINAL

BY THE COMMISSION:

O P I N I O N

The Union Sugar Company, a corporation, with offices in San Francisco, filed complaint March 25, 1925, alleging that rate of \$1.10 per ton assessed and collected by defendant, Pacific Coast Railway Company, for the transportation of 23 carloads of sugar beets moved during period August 28, 1924 to September 2, 1924 from San Luis Obispo to Betteravia, were unjust, unreasonable and in violation of the Public Utilities Act to the extent they exceeded the subsequently established rate of 70 cents per ton of 2000 pounds.

Reparation only is sought.

At the time the aforesaid shipments moved there was in effect from San Luis Obispo to Betteravia rate of 3 $\frac{1}{2}$ cents per 100 pounds via Southern Pacific and Santa Maria Valley Railroad, the rate being named in Southern Pacific Tariff 707-G, C.R.C.2810. The defendant herein agreed to publish the same rate via its line as was in effect via the Southern Pacific Company and Santa Maria Valley

Railroad, but was unable to effect publication before March 4, 1925. The Commission, in its Informal Reparation Docket No. 32195, authorized the Pacific Coast Railway to refund to the Union Sugar Company on 163 carloads of sugar beets moving September 4 to November 8, 1924 from San Luis Obispo to Betteravia the difference between the charges collected and those that would have accrued on the basis of 70 cents per ton. The Commission was unable to informally authorize reparation on the 23 carloads here involved, for the reason that the shipments moved more than six months prior to the date the rate to the basis of which reparation is sought was published.

Effective March 4, 1925 the defendant established in its Tariff 32-D, C.R.C. 61, rate of 70 cents per ton of 2000 pounds, applicable to the transportation hereinbefore described.

In answer to this formal complaint defendant admits all of the allegations and prays 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 rate assessed for the transportation of sugar beets, carloads, minimum weight 40000 pounds, except if car is loaded to capacity actual weight will apply, but not less than 30000 pounds, from San Luis Obispo to Betteravia during the period August 28, 1924 to September 2, 1924, was unreasonable and excessive to the extent it exceeded the subsequently established rate of 70 cents per ton; that complainant made the shipments as described in the complaint and paid and bore the charges thereon; that it has been damaged to the extent of the difference between the charges paid and those that would have accrued at the rate hereinbefore found reasonable, and is entitled to reparation with interest.

The amount alleged to be due is not set forth in the complaint. Complainant should submit a statement of the shipments 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 information of the matters and things involved having been had and basing its 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 Pacific Coast Railway Company be, and it is hereby authorized and directed to refund, with interest, to complainant, Union Sugar Company, all charges it may have collected in excess of 70 cents per ton of 2000 pounds for the transportation of 23 carloads of sugar beets involved in this proceeding, moved during the period August 28 to September 2, 1924.

Dated at San Francisco, California, this 15th day of April, 1925.

H. B. Brundage

C. C. Leary

George D. Squires

Ernest C. ...
Commissioners.