

Decision No. 16293

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
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ORIGINAL

California Vegetable Union,
Complainant,

vs.

Southern Pacific Company,
Sierra Railway Company of California,
Defendants.

CASE NO. 2172

BY THE COMMISSION:

O P I N I O N

Complainant is a corporation with its principal place of business at Los Angeles, California. By complaint filed September 22, 1925 and amended November 30, 1925, it is alleged that the rates assessed by defendants on four carloads of box shoo and one carload of fir lumber moving from Standard and Sonora to Date during the period from April 10, 1924 to April 30, 1924 were unreasonable and discriminatory to the extent they exceeded 57 cents per 100 pounds on the shipments of box shoo and 65½ cents per 100 pounds on the shipments of fir lumber.

Reparation only is sought.

Standard and Sonora are located on the Sierra Railway, and Date on the Southern Pacific Company. The lawfully applicable rates in effect during the period here involved were made by a

combination of commodity rates over Oakdale, the interchange point of defendants. The factors from Standard and Sonora to Oakdale were \$1.69 per ton of 2000 pounds on box shooek and \$2.25 per ton of 2000 pounds on fir lumber. The factor from Oakdale to Date on both box shooek and fir lumber was 57 cents per 100 pounds.

Effective November 1, 1924 defendants established, in Supplement No. 9 to Pacific Freight Tariff Bureau Tariff No. 48-G, C.R.C. 311, from Standard and Sonora to Date the rates here sought by complainant, namely, 57 cents per 100 pounds on box shooek, and 65½ cents per 100 pounds on fir lumber. Complainant bases its plea for reparation on these lower rates established subsequent to the date of movement.

Defendants admit the allegations of the complaint and have signified a willingness to make a reparation adjustment to the basis established November 1, 1924; therefore, under the issues as they now stand a formal hearing will not be necessary.

Upon consideration of all the facts of record we are of the opinion and find that the rates assessed by defendants for the transportation of four carloads of box shooek and one carload of fir lumber moving from Standard and Sonora to Date during the period April 10, 1924 to April 30, 1924 were unreasonable and discriminatory to the extent they exceeded 57 cents per 100 pounds on the shipments of box shooek and 65½ cents per 100 pounds on the shipment of fir lumber.

We further find that complainant made the shipments as described, paid and bore the charges thereon and has been damaged to the extent of the difference between the charges paid and those that would have accrued at the rates herein found reasonable, and is entitled to reparation.

The amount of reparation due cannot be determined on

this record. Complainant should submit a statement of the shipments to defendants for check. Should it not be possible to reach an agreement as to the amount of reparation the matter may be submitted to the Commission for further attention and the entry of a supplemental order, should such be necessary.

O R D E R

This case being at issue upon complaint, 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 defendants, Southern Pacific Company and Sierra Railway Company of California, according as they participated in the transportation, be and they are hereby authorized and directed to refund to complainant, California Vegetable Union, all charges they may have collected in excess of 57 cents per 100 pounds for the transportation of four carloads of box shooek, and 65½ cents per 100 pounds for the transportation of one carload of fir lumber involved in this proceeding, moving from Standard and Sonora to Date during a period from April 10, 1924 to April 30, 1924.

Dated at San Francisco, California, this 25th day of March, 1926.

H. B. ...
C. ...
E. ...
Commissioners