

Decision No. 17004

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Union Oil Company of California
Complainant

vs.

Southern Pacific Company,
Pacific Electric Railway Company,
Defendants.

Case No. 2243

ORIGINAL

BY THE COMMISSION:

O P I N I O N

Complainant is a corporation engaged in the business of producing, refining and marketing of oils and other petroleum products, with its principal place of business at Los Angeles. By complaint filed May 24, 1926, it is alleged that the rate assessed and collected on 11 carloads of gasoline moving during the period July 5, 1924 to September 24, 1924 from Searby to Maltha was unreasonable to the extent it exceeded a rate of 47 cents per 100 pounds.

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

Searby is located on the Pacific Electric Railway, and Maltha on the Southern Pacific Company. Charges on the shipments here involved were assessed on the basis of the lawfully applicable rate of 51 cents made by a combination of commodity rates over Slauson Junction. The factors from which the through rate was made were 4 cents Searby to Slauson Junction, as published in Pacific Electric Railway Company Tariff No. 120-B, C.R.C. 254, and

47 cents Slanson Junction to Maltha, as published in Pacific Freight Tariff Bureau Tariff No. 167-B, C.R.C. No. 328. At the time the shipments here involved moved, there was concurrently in effect a rate of 47 cents to Maltha from Stewart a point located in the same general territory as Searby, and effective July 30, 1925 defendants voluntarily established this same rate from Searby to Maltha. Complainant bases its plea for reparation upon the lower rate subsequently established.

Defendants admit the allegation of the complaint and have signified a willingness to make a reparation adjustment; 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 assailed rate was unreasonable to the extent that it exceeded the subsequently established rate of 47 cents; 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 rate herein found reasonable, and that it is entitled to reparation in the sum of \$240.80.

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 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 Pacific Electric Railway Company, according as they

participate in the transportation, be, and they are, hereby authorized and directed to refund to complainant, Union Oil Company of California, reparation in the sum of \$240.80 account unreasonable rate assessed and collected on 11 carloads of gasoline, involved in this proceeding moved during the period July 5, 1924 to September 24, 1924, from Searby to Maltha.

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

H. B. Brundage

C. L. Seaver

Emmerson

Commissioners.