

Decision No. 17400

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
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ORIGINAL

Associated Oil Company,)
a Corporation,)
Complainant,)
vs.)
Southern Pacific Company,)
a Corporation,)
Defendant.)
- - - - -

CASE NO. 2271

BY THE COMMISSION:

O P I N I O N

Complainant is a corporation organized under the laws of the State of California with its principal place of business at San Francisco and is engaged in the business of producing, refining and marketing oil and other petroleum products.

By complaint filed August 26, 1926 it is alleged that the rates assessed and collected by defendant on 7 carloads of soda ash moved during the period October 18, 1924 to June 10, 1925 from Cartago to Hapress were unreasonable to the extent they exceeded 28½ cents per 100 pounds, minimum weight 60000 pounds.

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

Cartago is on the Owenyo Branch of the Southern Pacific, 461 miles from Hapress, which latter point is on the San Ramon Branch. Charges on the shipments here involved were assessed

and collected on the basis of $34\frac{1}{2}$ cents, the Avon combination, being $28\frac{1}{2}$ cents Cartago to Avon, as named in Item 7830-A of Southern Pacific Tariff 730-C, C.R.C.2904, plus the fifth class rate of 6 cents from Avon to Hapress, published in Southern Pacific Tariff 711-C, C.R.C.2843.

Effective June 17, 1925 defendant established rate of $28\frac{1}{2}$ cents on soda ash from Cartago to Hapress, as shown in Item 7830-D of Southern Pacific Tariff 730-C, C.R.C.2904, and complainant bases its plea for reparation upon this subsequently established rate.

Defendant admits the allegations of the complaint and by answer duly filed signified a willingness to make 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 rate assailed was unreasonable to the extent it exceeded the subsequently established rate of $28\frac{1}{2}$ cents; that complainant made the shipments as described, paid and bore the charges thereon and is entitled to reparation in amount of the difference between the charges paid and those that would have accrued at $28\frac{1}{2}$ cents.

Complainant will submit statement of the shipments to defendant for check. Should it not be possible to reach an agreement as to the amount of reparation the matter may be referred 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 and answer on file, 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 the defendant, Southern Pacific Company, be and it is hereby ordered and directed to refund to complainant, Associated Oil Company, all charges it may have collected in excess of 28½ cents per 100 pounds, minimum weight 60000 pounds, for the transportation of 7 car-loads of soda ash involved in this proceeding forwarded during the period October 18, 1924 to June 10, 1925 from Cartago to Hapress.

Dated at San Francisco, California, this 27th day of September, 1926.

H. B. Brundige
W. S. ...
Leon ...
Commissioners.