

Decision NO. 17500

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Union Oil Company of California,  
Complainant,

vs.

Southern Pacific Company,  
Northwestern Pacific Railroad Company,  
Defendants.

ORIGINAL

CASE NO. 2234

BY THE COMMISSION:

ORDER OF DISMISSAL

Complainant is a corporation with its principal place of business at Los Angeles, California. By complaint seasonably filed it is alleged that the rate assessed and collected on ten carloads of fuel oil moved from Oleum to San Rafael, California, during the period from March 1 to August 25, 1920 was unreasonable to the extent it exceeded a rate of 11 cents per 100 pounds. During the period of movement the defendant carriers were guaranteed certain income by the United States under section 209 of Transportation Act 1920. The rate charged was in effect February 29, 1920, and under the provisions of section 208(a) of Transportation Act such rate may not be reduced without the approval of the

Interstate Commerce Commission. U.S. Supreme Court,  
April 26, 1926, New York Central Railroad, et al. vs. New York  
& Penn. Co., held that the State Commissions have no author-  
ity to award reparation on any shipment moved during the  
guaranty period, which became operative March 1, 1920 and  
expired August 31, 1920. (Adv. Op. No. 13, 1925-1926, 70 Law Ed.  
page 506).

Good cause appearing,

IT IS HEREBY ORDERED that the above entitled  
proceeding be and it is, hereby dismissed without prejudice.

Dated at San Francisco, California, this 18<sup>th</sup>  
day of October, 1926.

H. B. Bourdige

C. A. Sawyer

Ernest

Thomas Rowan

Commissioners.