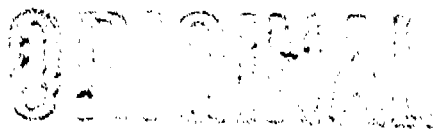


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Decision No. 17927



BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
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Pan American Petroleum Company,
Complainant,

vs.

Pacific Electric Railway Company,
Defendant.

CASE NO. 2296

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BY THE COMMISSION:

O P I N I O N

Complainant, a corporation, organized under the laws of the State of California, with its principal place of business at Los Angeles, California, is engaged in producing, refining and marketing petroleum and petroleum products. By complaint filed December 2, 1926 it is alleged that the rates charged on 658 carloads of petroleum crude oil moved from Sentous to Watson during the period from March 22 to August 3, 1925, inclusive, were unreasonable to the extent they exceeded the subsequently established rate of $4\frac{1}{2}$ cents per 100 pounds.

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

A rate of $5\frac{1}{2}$ cents was charged on 39 carloads moved prior to April 17, 1925 and rate of 5 cents was charged on 619 carloads moved subsequent thereto. The former is the El Segundo

Wharf to Wilmington rate held maximum on the 39 shipments involved; the latter rate applied from Sentous to Watson and was published effective April 17, 1925 in Pacific Electric Railway Tariff 120-B, C.R.C.254, Item 780-S. Effective August 4, 1925, defendant voluntarily established a rate of $4\frac{1}{2}$ cents on petroleum crude and fuel oil from and to the points involved.

Complainant bases its plea for reparation upon the lower rate subsequently established.

The following comparison of rates and earnings on petroleum crude oil in the same general territory and for distances comparable with those from Sentous to Watson is taken from a statement submitted by complainant:

From	To	Rate Cents	Distance Miles	Rate Per Ton Mile
Sentous	Watson	* $5\frac{1}{2}$	24.5	.0449
Sentous	"	* 5	24.5	.04088
Sentous	"	# $4\frac{1}{2}$	24.5	.03678
East Long Beach	"	3	17.8	.03371
El Segundo	"	3	21	.02857
Stewart	"	6	38.5	.03117
Los Nietos	"	5	28.9	.03460
Loftus	"	$4\frac{1}{2}$	25.8	.03488

* Rate charged

Rate sought

The rate upon which reparation is sought compares favorably with rates from other producing points in Southern California to Watson.

Defendant admits the allegation of the complaint and has 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 rates of $5\frac{1}{2}$ cents and 5 cents assessed were unreasonable to the extent they exceeded the subsequently established rate of $4\frac{1}{2}$ cents. We further find complainant paid and bore the charges on the shipments involved and has been damaged to the extent of the difference between the freight charges paid and those that would have accrued at the rate herein found reasonable and that it is entitled to reparation.

Complainant will submit statement 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, 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 the defendant, Pacific Electric Railway Company, be and it is hereby authorized and directed to refund to complainant, Pan American Petroleum Company of Los Angeles, California, all charges it may have collected in excess of $4\frac{1}{2}$ cents per 100 pounds on the shipments involved forwarded during the period from March 22 to August 3, 1925, inclusive, from Sentous to Watson.

Dated at San Francisco, California, this 26th day of January, 1927.

Emmott

H. B. Broun

C. Shaug

Thos. R. Rutter

Commissioners.