

Decision No. 17945

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
- - - - -

Associated Oil Company,  
Complainant,

vs.

Pacific Electric Railway Company,  
Defendant.

CASE NO. 2298

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 San Francisco, California, is engaged in producing, refining and marketing petroleum products. By complaint filed December 9, 1926 it is alleged that the rate charged on 581 carloads of petroleum crude oil moved from Sontos to Wilmington during the period from April 9 to June 29, 1925, inclusive, was unreasonable to the extent it 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.

Charges were assessed and collected on the basis of 5 cents, the lawfully applicable rate shown in Pacific

Electric Railway Tariff 120-B, C.R.C.254. Effective August 4, 1925 defendant voluntarily established a rate of  $4\frac{1}{2}$  cents from and to the points involved. Complainant bases its plea for reparation upon the lower rate subsequently established.

The following table of rates and earnings on petroleum crude oil for distances comparable with that from Sentous to Wilmington is taken from the statement submitted by complainant:

From	To	Distance	Rate Cents	Per Ton Mile Cents
Sentous	Wilmington	27	# 5	3.703
Sentous	Wilmington	27	* $4\frac{1}{2}$	3.333
Los Angeles	Fullerton	26	$4\frac{1}{2}$	3.461
Los Nietos	San Pedro	34	5	2.941
Los Angeles	Long Beach	21	3	2.857
Stewart	Wilmington	41	6	2.927

# Rate charged

\* Rate sought

The rate upon which reparation is sought compares favorably with rates on the same commodity for equi-distant hauls from other producing points to refineries in Southern California.

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 rate of 5 cents assessed was unreasonable to the extent it exceeded the subsequently established rate of  $4\frac{1}{2}$  cents. We further find that 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,  
 Associated Oil Company of San Francisco, California, all  
 charges it may have collected in excess of  $4\frac{1}{2}$  cents per  
 100 pounds on the shipments involved in this proceeding  
 forwarded from Sontos to Wilmington during the period  
 from April 9 to June 29, 1925, inclusive.

Dated at San Francisco, California, this

28<sup>th</sup> day of January, 1927.

Edward  
H. B. B. B.  
C. B. B.  
Leon A. B. B.  
Sho. B. B.  
 Commissioners.