

ORIGINAL

Decision No. 18040

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Associated Oil Company,
 Complainant,
 vs.
 Southern Pacific Company,
 Central California Traction Company,
 Defendants.

CASE NO. 2307

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, is engaged in the producing, refining and marketing of petroleum and petroleum products. By complaint filed January 10, 1927 it is alleged that the rate charged for the transportation of 6 carloads of gasoline and refined oil shipped between May 1 and June 1, 1923, inclusive, from Avon to Corning, was unreasonable to the extent it exceeded a rate of 43 cents per 100 pounds.

The statute of limitation was tolled by registering the shipments April 29, 1925 under informal complaint No. 32802.

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

Avon is 7 miles east of Port Costa on the Southern Pacific main line. Corning is located between Sacramento and Red Bluff, 20 miles south of the latter point and 233 miles from Avon via route the shipments moved. The shipments involved were routed Southern Pacific to Stockton, Central California Traction Company to Sacramento and Southern Pacific to destination. A combination rate of 47 cents was charged, made 16 cents to Sacramento and 31 cents beyond, shown in Southern Pacific Company Tariff 333-G, C.R.C.2496, Items 470-C and 600-D. The first quoted factor is the Oakland to Sacramento rate held maximum at Avon and applicable on traffic routed via Stockton and Central California Traction Company under appropriate tariff provision.

During the period of movement there was a rate of 43 cents from Berkeley (University Avenue) to Red Bluff; however, this rate applied only on traffic moving via Port Costa and Benicia, therefore was not applicable on complainant's shipments. Effective January 20, 1924 defendants established a rate of the same volume from Oakland to Red Bluff and under the provisions of Southern Pacific Company Routing Circular C.R.C.2711 and Item 25 Southern Pacific Company Tariff C.R.C.2496 this rate was applicable on traffic moving from Avon to Corning via Stockton and Central California Traction Company.

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 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

43 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 defendants 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 defendants, Southern Pacific Company and Central California Traction Company, according as they participated in the transportation, be and they are hereby authorized and directed to refund to complainant, Associated Oil Company of San Francisco all charges they may have collected in excess of 43 cents per 100 pounds on the shipments involved in this proceeding and forwarded from Avon to Corning during the period from May 1 to June 1, 1923, inclusive.

Dated at San Francisco, California, this 2nd day of March 1927.

Emmett
W. Brundige
C. L. Seney
Leon A. Kelly
Thos. S. Rouse
 Commissioners.