

Decision No. 18041

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
- - - - -Haslett & Merguire Shook Supply )  
Company, )

Complainant, )

vs. )

CASE NO. 2310

Southern Pacific Company, )  
Western Pacific Railroad Company, )  
Defendants. )

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 selling box shook and crate material.

By complaint filed January 14, 1927 and amended January 28, 1927 it is alleged that the rates assessed and collected on 7 carloads of box shook and crate material moved from Adelaide, Gray's Flat and Portola to Suisun-Fairfield, California, during the period from August 1 to November 21, 1925, inclusive, was unjust and unreasonable to the extent it exceeded a rate of 18½ cents per 100 pounds from Adelaide and 22 cents from Gray's Flat and Portola.

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

The points of origin are located on the Western Pacific Railroad and Suisun-Fairfield is located on the Southern Pacific Company and Sacramento Northern Railroad Company, called Suisun on Sacramento Northern Railroad. The shipments involved from Adelaide, Gray's Flat and Portola were routed Western Pacific to Sacramento, Southern Pacific beyond, and the combination rate of  $22\frac{1}{2}$  cents, composed of 14 cents to Sacramento and  $8\frac{1}{2}$  cents beyond was charged. The rates are shown in Western Pacific Railroad Tariff 36-F, C.R.C.257 and Southern Pacific Company Tariff 917-D, C.R.C.2929. Concurrently there were through joint rates of  $19\frac{1}{2}$  cents from Adelaide and 22 cents from Gray's Flat and Portola to Suisun, with routing via Western Pacific Railroad to Sacramento, Southern Pacific Company to Suisun-Fairfield, and Sacramento Northern beyond. However, these rates were not applicable on the shipments involved because of the failure to route via the Sacramento Northern Railroad and give that company a line haul. Effective May 29, 1926 defendants established rates of the same volume via route the shipments moved.

Complainant bases its plea for reparation upon the rates in effect to Suisun which were subsequently established to Suisun-Fairfield, the Southern Pacific station.

Defendants admit that the rate charged was unreasonable 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 the assailed rate was unreasonable to the extent it exceeded the contemporaneous rates applicable via the Western Pacific Railroad Company, Southern Pacific Company and Sacramento Northern Railroad Company, which rates were subsequently

established from and to the points involved; that complainant made the shipments as described, paid and bore the charges thereon and is entitled to reparation in the sum of \$69.92.

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 Western Pacific Railroad Company, according as they participated in the transportation, be and they are hereby authorized and directed to refund to complainant, Haslett & Merguire Shook Supply Company, San Francisco, reparation in the sum of \$69.92 account excessive and unreasonable charges assessed and collected for the transportation of 7 carloads of box shook and crate material involved in this proceeding, forwarded during the period from August 1 to November 21, 1925, inclusive, from Adelaide, Gray's Flat and Portola to Suisun-Fairfield.

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

Emmuel  
Robert  
Chas  
Leon  
Thos & Rautis  
 Commissioners.