

Decision No. 1820g.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Pan American Petroleum Company,
Complainant,

vs.

Pacific Electric Railway Company,
Southern Pacific Company,
Defendants.

ORIGINAL

Case No. 2340.

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, is engaged in producing, refining and marketing petroleum oil and its products. By complaint filed March 30, 1927, and as amended April 6, 1927, it is alleged that the rate charged on 46 carloads of crude oil shipped during the period May 21, 1924, to February 14, 1925, inclusive, from Casmalia to Watson, California, was unreasonable and in violation of Section 13 of the Public Utilities Act of the State of California to the extent it exceeded a rate of 20½ cents.

The shipments involved in this proceeding were registered with this Commission May 17, 1926, under informal complaint 35045, thereby tolling the statute of limitation.

An award of reparation is sought. Rates are stated in cents per 100 pounds.

Casmalia is on the Southern Pacific Coast Division

184 miles from Los Angeles, and Watson is on Pacific Electric and Southern Pacific approximately 16 miles from Los Angeles. The shipments involved moved via Southern Pacific to Los Angeles, thence Pacific Electric Railway to destination. The applicable charges were based on a combination rate of 21 cents, made 18 cents to Los Angeles plus 3 cents beyond. Concurrently there was a rate of 20½ cents maintained by the Southern Pacific Company published in its Tariff 333-G, C.R.C. 2496, applicable from and to the points involved.

Effective February 15, 1925, defendants voluntarily established a joint through rate of the same volume, published in Pacific Freight Tariff Bureau Tariff 167-C, C.R.C. 346.

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 20½ cents. We further find that complainant paid and bore the charges on the shipments involved in this proceeding 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 Pacific Electric Railway Company according as they participated in the movement, be and they are hereby authorized and directed to refund to complainant, Pan American Petroleum Company of Los Angeles, all charges they may have collected in excess of 20½ cents per 100 pounds on the shipments involved in this proceeding forwarded from Casmalia to Watson during the period May 21, 1924, to February 14, 1925, inclusive.

Dated at San Francisco, California, this 29th day of April, 1927.

Ernest W. Dyer
H. B. Brandige
C. L. Sawyer
Leon Whittell
Thos. S. Powell
Commissioners.