

Decision No. 18394.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Celite Products Company,  
Complainant,  
vs.  
Southern Pacific Company,  
Defendant.

**ORIGINAL**

Case No. 2563.

BY THE COMMISSION:

O P I N I O N

Complainant, a corporation, organized under the laws of the State of Maine with its principal place of business at Los Angeles, California, is engaged in producing and marketing infusorial earth and its products. By complaint filed May 4, 1927, it is alleged that the rate of 60 cents charged for the transportation of 25 carloads of soda ash shipped from Keeler and Cartago to Lompoc and White Hills during the period May 24, 1925, to July 5, 1926, inclusive was unreasonable and in violation of Section 15 of the Public Utilities Act of the State of California to the extent it exceeded a rate of 36 cents.

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

The applicable charges were based on a combination rate of 60 cents, made 21½ cents to Los Angeles plus 38½ cents beyond. The first factor is a commodity rate shown in Southern Pacific Company Tariff 730-C, C.R.C. 2904; the latter the fifth class rate shown in Southern Pacific Company Tariff 711-C, C.R.C. 2843.

Effective July 22, 1926, defendant voluntarily established a through commodity rate of 36 cents from and to the points involved.

Complainant bases its plea for reparation upon the lower rate subsequently established. 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 assailed was unreasonable to the extent it exceeded the subsequently established rate of 36 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 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 defendant, Southern Pacific Company, be and it is hereby authorized and directed to refund to

complainant, Celite Products Company, all charges it may have collected in excess of 36 cents per 100 pounds on the shipments involved in this proceeding and forwarded during the period from May 24, 1925, to July 5, 1926, inclusive, from Keeler and Cartago to Lompoc and White Hills.

Dated at San Francisco, California, this 25<sup>th</sup> day of May, 1926.

Ernest A. Kraft  
H. B. Brundage  
Chas. J. ...  
Thos. S. Rowland  
Commissioners.