

Decision No. 18661

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

PIONEER COMPOST COMPANY,
Complainant,
vs.
SOUTHERN PACIFIC COMPANY,
VISALIA ELECTRIC RAILROAD COMPANY,
Defendants.

Case No. 2370.

ORIGINAL

BY THE COMMISSION:

O P I N I O N

Complainant, a copartnership doing business under the fictitious name of the Pioneer Compost Company, is engaged in producing and marketing mineral compost at Terminus, California.

By complaint filed May 25, 1927, and amended June 27, 1927, it is alleged that the rates charged on one carload of mineral compost moving from Terminus to Guadalupe on October 10, 1925, and on one carload of the same commodity moving from Terminus to Mountain View October 24, 1925, were unreasonable to the extent they exceeded 19 cents per 100 pounds to Guadalupe and 14½ cents per 100 pounds to Mountain View.

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

Terminus is located on the Visalia Electric Railway Company and Guadalupe and Mountain View on the Southern Pacific Company. The lawfully applicable rate to Guadalupe was 27½ cents, made by a combination of commodity and class rates over Templeton, the factor from Terminus to Templeton being 18½ cents and from

Templeton to destination 9 cents. The applicable rate to Mountain View was 18 cents, a combination of commodity and class rates over San Jose, using $14\frac{1}{2}$ cents from origin to San Jose and $3\frac{1}{2}$ cents beyond. The rates to the basing points are found in Pacific Freight Tariff Bureau Tariff 97-I, C.R.C. 65 of F. W. Gomph, Agent, and the factors beyond in Southern Pacific Company's Tariff 711-C, C.R.C. 2843. Effective December 17, 1925, defendants voluntarily established a rate of $14\frac{1}{2}$ cents from Terminus to Mountain View, and on September 1st, 1926, a rate of 19 cents from Terminus to Guadalupe, these rates being those here sought by complainant.

Complainant bases its plea for reparation upon the lower rates subsequently established. Defendants admit the allegation of complainant, and have signified a willingness to make a reparation adjustment in the sum of \$79.00 the amount prayed for without interest; 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 assailed rate of $27\frac{1}{2}$ cents from Terminus to Guadalupe was unreasonable to the extent it exceeded the subsequently established rate of 19 cents and that the assailed rate of 18 cents from Terminus to Mountain View was unreasonable to the extent it exceeded the subsequently established rate of $14\frac{1}{2}$ cents; that complainant made the shipments as described, paid and bore the charges thereon, and that it is entitled to reparation in the sum of \$79.00.

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 Visalia Electric Railroad Company, according as they participated in the transportation, be and they are hereby authorized and directed to refund to complainant, Pioneer Compost Company of San Francisco, California, reparation in the sum of \$79.00 account excessive and unreasonable charges for the transportation of two carloads of mineral compost involved in this proceeding, forwarded during the month of October, 1925, from Terminus to Guadalupe and Mountain View.

Dated at San Francisco, California, this 21st day of July 1927.

Edmund J. [Signature]

[Signature]

[Signature]
COMMISSIONERS.