

Decision No. 18698.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

CALIFORNIA PACKING CORPORATION,
Complainant,

vs.

SACRAMENTO NORTHERN RAILWAY and
THE WESTERN PACIFIC RAILROAD COMPANY,
Defendants.

ORIGINAL

Case No. 2388.

BY THE COMMISSION:

O P I N I O N

Complainant, a corporation organized under the laws of the State of New York, with its principal place of business at San Francisco, California, is engaged in packing dried fruit and canned goods. By complaint filed July 14, 1927, it is alleged that the rate charged for the transportation of 37 car-loads of fresh peaches from Yuba City to San Francisco during the period from July 21st to September 6, 1926, inclusive was excessive and in violation of the Public Utilities Act to the extent it exceeded a rate of 17 cents.

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

Charges were assessed and collected on the basis of 18½ cents, the lawfully applicable Class "C" rate, shown in Pacific Freight Tariff Bureau Tariff 34-K, C.R.C. 372. Effective July 3, 1927, defendants voluntarily established a commodity

rate of 17 cents from and to the points involved and this rate was applicable via the Southern Pacific at the time the shipments involved in this complaint moved.

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 17 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, Sacramento Northern Railway and The Western Pacific Railroad Company according

as they participated in the transportation, be and they are hereby authorized and directed to refund to complainant, California Packing Corporation, all charges they may have collected in excess of 17 cents per 100 pounds on the carload shipments of fresh peaches, involved in this proceeding, forwarded from Yuba City to San Francisco during the period from July 21 to September 6, 1926, inclusive.

Dated at San Francisco, California, this 9th day of August, 1927.

Leon Whitell
Thos. S. Lott
M. J. Linn
Commissioners.