

Decision No. 15385.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

SEBEL COMPANY OF CALIFORNIA,
Complainant,

vs.

SOUTHERN PACIFIC COMPANY, CENTRAL
CALIFORNIA TRACTION COMPANY, SAC-
RAMENTO NORTHERN RAILWAY, SAN
FRANCISCO-SACRAMENTO RAILROAD
COMPANY, THE WESTERN PACIFIC RAIL-
ROAD COMPANY,

Defendants.

ORIGINAL

Case No. 2418.

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 buying, refining and marketing petroleum oils and products thereof. By complaint filed September 28, 1927, it alleges that the rates charged on four carloads of gasoline shipped from Martinez, one to Yuba City and three to Woodland during December, 1926, were unjust and excessive.

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

The shipments involved were routed by the consignor. The car to Yuba City moved over the Southern Pacific to Stockton, the Western Pacific to Sacramento, thence Sacramento Northern Railway. Two of the cars to Woodland moved over the Southern Pacific to Stockton, Central California Traction Company to

Sacramento, thence Sacramento Northern Railway. The other car to Woodland moved over Southern Pacific to McAvoy, San Francisco-Sacramento Railroad to Sacramento, thence Sacramento Northern Railway. Combination rates of 23 cents to Yuba City and 25½ cents to Woodland were charged. These rates are made 12 cents to Sacramento plus 11 cents and 11½ cents to Yuba City and Woodland respectively.

Martinez is on the Southern Pacific Company 20 miles east of Richmond; the points of destination are on the Southern Pacific and Sacramento Northern Railway. The local tariff of the Southern Pacific Company effective at the time the shipments involved herein moved, named rates on gasoline, carload, from Martinez to Woodland 16 cents and Yuba City 20 cents. Joint rates of the same volume were also in effect with routing over the Southern Pacific to Sacramento and Sacramento Northern Railway beyond.

Defendant Sacramento Northern Railway published effective June 21, 1927, proportional rates from Sacramento of 4 cents to Woodland and 8 cents to Yuba City. These rates used in conjunction with the rate of 12 cents from Martinez to Sacramento result in through rates of 16 cents to Woodland and 20 cents to Yuba City. Complainant bases its plea for reparation upon the rates effective June 21, 1927. 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 rates assailed were unjust and unreasonable to the extent they exceeded the subsequently established rates of 20 cents to Yuba City and 16 cents to Woodland. We find further that complainant paid and bore the charges on the shipments involved and has been damaged to the extent of the

difference between the freight charges paid and those that would have accrued at the rates herein found reasonable and that it is entitled to reparation in the sum of \$151.33.

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, Central California Traction Company, San Francisco-Sacramento Railroad Company, The Western Pacific Railroad Company, and Sacramento Northern Railway according as they participated in the transportation, be and they are hereby authorized and directed to refund to complainant, Shell Company of California, all charges they may have collected in excess of 20 cents per 100 pounds on one carload of gasoline moved from Martinez to Yuba City and 16 cents per 100 pounds on three carloads moved from Martinez to Woodland during the month of December, 1926.

Dated at San Francisco, California, this 3d day of November, 1927.

Frank J. ...
...
Lion Whitall
...
...
Commissioners.