

Decision No. 19098.**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

SEHELL COMPANY OF CALIFORNIA,  
Complainant,

vs.

SOUTHERN PACIFIC COMPANY, NORTE-  
WESTERN PACIFIC RAILROAD COMPANY,  
CALIFORNIA WESTERN RAILROAD AND  
NAVIGATION COMPANY,

Defendants.

Case No. 2419.

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 rate charged on 27 carloads of gasoline moved from Martinez to Fort Bragg during the period October 1, 1926, to July 10, 1927, was unduly prejudicial to the extent it exceeded the contemporaneous rate applicable on like traffic from Richmond to the same destination.

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

Martinez is on the Southern Pacific 20 miles east of Richmond. Fort Bragg is on the California Western Railroad and Navigation Company 216 miles from Martinez and 228 miles from Richmond. The shipments involved moved over the Southern Pacific

to Shellville Junction, Northwestern Pacific to Willits, thence to destination over the California Western Railroad and Navigation Company. No joint rate was in effect and charges were collected on the basis of a combination rate of 50 cents composed of a factor of 3 cents to Richmond and 47 cents beyond.

The request for reparation is predicated upon the fact that at the time the shipments moved the rate from the competing refinery at Richmond to Fort Bragg was 47 cents. This rate was established effective July 10, 1927, to apply from Martinez, thereby removing the alleged prejudice.

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 unduly prejudicial to the extent it exceeded the contemporaneous rate of 47 cents from Richmond to Fort Bragg; that complainant made the shipments as described and paid and bore the charges thereon; that it has been damaged in the amount of the difference between the charges paid and those that would have accrued at the rate of 47 cents 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 defendants, Southern Pacific Company, Northwestern Pacific Railroad Company and California Western Railroad and Navigation Company 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 47 cents per 100 pounds for the transportation of 27 carloads of gasoline involved in this proceeding, forwarded from Martinez to Fort Bragg during the period from October 1, 1926, to July 10, 1927.

Dated at San Francisco, California, this 24 day  
*December*  
of ~~November~~, 1927.

*Edmunds*  
*C. Seaver*  
*Leon Whipple*  
*Thor S. Lott*  
*W. J. Lane*  
Commissioners.