

Decision No. 19185.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

GLADDING, McBEAN & CO.,
 Complainant,
 vs.
 SOUTHERN PACIFIC COMPANY,
 Defendant.

ORIGINAL

Case No. 2448.

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 office at San Francisco, is successor in interest of the Los Angeles Pressed Brick Company. By complaint filed November 29, 1927, it alleges that the rate charged for the transportation of one carload of enameled brick and wire cut faced brick from Los Angeles to Fresno during February, 1926, was unjust and unreasonable and in violation of Section 13 of the Public Utilities Act of the State of California to the extent that it exceeded the subsequently established rate of 32 cents.

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

The shipment involved weighed 48,800 pounds and the lawfully applicable Class "B" rate of 42½ cents was charged. Concurrently there was a commodity rate of 32 cents applicable from Los Angeles to Fresno on brick, enameled and glazed, in straight or mixed carloads. This rate was shown in defendant's

Tariff 825-D, C.R.C. 3168, Item 620.

Effective November 20, 1926, defendant amended Item 620 of its Tariff 825-D by adding the following:

"Brick, wire cut faced."

The item also carried a provision that wire cut faced brick may be shipped in mixed carloads with glazed or enameled brick.

Complainant bases its plea for reparation upon the lower rate subsequently established. Defendant admits that the rate charged was unreasonable 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 as a fact that the rate charged was unreasonable to the extent it exceeded the subsequently established rate of 32 cents; that complainant made the shipment as described, paid and bore the charges thereon and is entitled to reparation in the sum of \$51.24.

O R D E R

This case being at issue upon complaint and answer on file, 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, Gladding, McBean & Company of San Francisco, California, all charges it may have collected in excess of 32 cents per 100 pounds for the transportation of one carload of

enameled brick and wire cut faced brick involved in this proceeding and forwarded from Los Angeles to Fresno February 6, 1926.

Dated at San Francisco, California, this 13th day of December, 1927.

Ernest
C. Seaver
Leon A. Hall
Thos. H. Rottit
M. J. Am
Commissioners.