

ORIGINALDecision No. 19322.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

SHELL COMPANY OF CALIFORNIA,
Complainant,

vs.

SOUTHERN PACIFIC COMPANY,
THE WESTERN PACIFIC RAILROAD
COMPANY,
Defendants.

Case No. 2468.

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 producing, refining and marketing petroleum oils and products thereof. It alleges by complaint filed December 20, 1927, that the rate charged for the transportation of two carloads of fuel oil moved from Martinez to Oroville during June and October, 1926, was unjust and excessive to the extent it exceeded the contemporaneous rate applicable by other routes.

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

Martinez is on the Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company; Oroville is on the Southern Pacific Company, Western Pacific Railroad and Sacramento Northern Railway. The shipments involved moved over the Southern Pacific to Sacramento, thence Western Pacific to destination, and charges were collected on the basis of the applicable

combination rate of 30 cents, made 13 cents to Sacramento and 17 cents beyond. Defendants contemporaneously maintained a joint commodity rate of 17½ cents on fuel oil, carload, from Martinez to Oroville with specific routing over the Southern Pacific Company to Marysville, thence Western Pacific to destination. There was also applicable a joint commodity rate of the same volume via five other routes.

Complainant bases its plea for reparation upon the rate applicable via the other routes. Defendants admit that the rate charged was unjust and excessive to the extent it exceeded 17½ cents 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 17½ cents; that complainant made the shipments as described, paid and bore the charges thereon and is entitled to reparation.

Complainant will submit statement of shipments 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, Southern Pacific Company 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, Shell Company of California, all charges they may have collected in the amount of the difference between the freight charges paid and those that would have accrued at 17½ cents per 100 pounds on the shipments involved in this proceeding and moved from Martinez to Oroville during June and October, 1926.

Dated at San Francisco, California, this 6th day
February, 1928.
of ~~January~~, 1928.

Leon Whitell

Chas. Leamy

E. J. [unclear]

Thos. D. [unclear]

M. A. [unclear]
Commissioners.