

Decision No. 13389.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

THE CHARLES NELSON CO.,  
NORTHERN REDWOOD LUMBER COMPANY,

Complainants,

vs.

NORTHWESTERN PACIFIC RAILROAD COMPANY,  
THE ARCATA AND MAD RIVER RAILROAD COMPANY,

Defendants.

ORIGINAL

Case No. 2458.

BY THE COMMISSION:

O P I N I O N

Complainants are corporations engaged in the manufacture and sale of lumber and forest products with their principal offices at 230 California Street, San Francisco, California.

They allege by complaint filed December 15, 1927, that the rates charged on numerous carloads of lumber and forest products shipped during the period May 21, 1925, to June 3, 1926, from Korbek to various points on the Northwestern Pacific Railroad were unjust, unreasonable and prejudicial, in violation of Sections 13 and 19 of the Public Utilities Act of the State of California to the extent they exceeded 22½ cents per 100 pounds, the contemporaneous rate from Eureka, Fort Bragg and other lumber producing points on the Northwestern Pacific Railroad.

Reparation only is sought.

Korbek is on The Arcata and Mad River Railroad, nine miles from Korbek, the junction point with the Northwestern Pacific Railroad. The points of destination are on the Southern

Division of the Northwestern Pacific Railroad north of San Francisco.

Informal complaints covering the shipments involved were filed with this Commission under dates of May 10 and May 17 and July 1, 1927, thereby staying the running of the statutes.

Charges were assessed on the basis of \$1.25 per 1000 feet to Korblex and 22½ cents per 100 pounds beyond. The former rate is shown in The Arcata and Mad River Railroad Company's Tariff 1-C, C.R.C. No. 14; the latter is shown in Northwestern Pacific Railroad Company's Tariff 12-C, C.R.C. No. 272 and supplements thereto. Effective June 3, 1926, in Supplement No. 8 to Pacific Freight Bureau Tariff 16-I, F.W.Gomph's C.R.C. No. 374, a joint rate of 22½ cents per 100 was established from Korbex to Tiburon, Mill Valley, Sausalito, Fairfax, Glen Ellen and Guerneville. This rate was applicable to intermediate points.

Complainants based their plea for reparation upon the subsequently established rate. Defendants admit that the rates charged were prejudicial to the extent they exceeded the contemporaneous rate from Eureka, and have signified a willingness to make reparation adjustment on those shipments destined to Tiburon, Mill Valley, Sausalito, Fairfax, Shellville Junction, Sebastopol, Sonoma, Glen Ellen, Meacham, Woolsey, Trenton, Guerneville and points intermediate thereto, 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 unreasonable and prejudicial to the extent they exceeded 22½ cents per 100 pounds; that complainants made the shipments as described, paid and bore the charges thereon and are entitled to reparation.

Complainants will submit statements of shipments to defendants for check. Should it not be possible to reach an agreement

