

Decision No. 19627.**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SOUTHERN PACIFIC COMPANY)
 for order authorizing increase of)
 rate on crushed rock, gravel, sand,)
 etc., from Thomasson to Marcuse, Wil-)
 son, Tudor, Abbott and Oswald, Cali-)
 fornia.)

Application No. 14424.

F. W. Mielke and J. L. Fielding, for applicant.

A. L. Stone, for E. B. & A. L. Stone Company,
interested shipper.

BY THE COMMISSION:

O P I N I O N

This is an application by the Southern Pacific Company under Section 63 of the Public Utilities Act for permission to increase rate of $3\frac{1}{2}$ cents per 100 pounds on crushed rock, gravel and sand as described in Item 50 of Tariff C.R.C. No. 3112 from Thomasson to Marcuse, Wilson, Tudor, Abbott and Oswald, to 4 cents per 100 pounds.

A public hearing was held at San Francisco April 3, 1928, before Examiner Geary, and the case having been duly submitted is now ready for an opinion and order.

The usual publicity notices were issued and individual notifications forwarded to the interested shippers, but there was no testimony introduced at the hearing in opposition to the granting of the application.

Applicant introduced an exhibit showing the rate situation and also gave testimony to the effect that there had been no

movement of crushed rock, sand or gravel from Thomasson to the destination points involved for the period of more than one year.

The specific run-out of rates from Thomasson and other shipping points was published for the convenience of shippers and is based on the distance scale published in Item No. 630-E, page 51 of the tariff, but through a clerical error in computing the mileages between the points in question the rates were published at $3\frac{1}{2}$ cents per 100 pounds instead of 4 cents per 100 pounds. The specific rates to Chandler on the south and Bogue on the north, between which stations the adjustment is proposed, are on the mileage scale. The actual distance from Folsom, Prattrock, Flint and Thomasson makes a rate of 4 cents under the distance scale for 80 miles and over 60 miles. The erroneous publication of the rates from Thomasson gives that point an advantage which is not justified, and in some cases results in violation of the long and short haul provision of the State Constitution.

Upon consideration of all the facts of record we are of the opinion and find that the commodity rate of $3\frac{1}{2}$ cents from Thomasson to Marcuse, Wilson, Tudor, Abbott and Oswald was published in error and that the correct rate is 4 cents per 100 pounds. The application should be granted.

O R D E R

This application having been duly heard and submitted, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusion contained in the opinion, which is hereby referred to and made a part hereof,

IT IS HEREBY ORDERED that the application of the Southern

Pacific Company to increase the rate on crushed rock, gravel and sand from Thomasson to Marcuse, Wilson, Tudor, Abbott and Oswald from $3\frac{1}{2}$ cents to 4 cents per 100 pounds be and it is hereby granted.

Dated at San Francisco, California, this 13th day of April, 1928.

Leon Whittell
C. Seamy

Paul D. Brown

M. J. [unclear]
Commissioners