

Decision No. 13891.

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

HOLLYWOOD GRANITE COMPANY, Inc., )  
 a corporation, )  
 Complainant, )

vs.

Case No. 2542.

PACIFIC ELECTRIC RAILWAY COMPANY,  
 a corporation,  
 Defendant. )

BY THE COMMISSION:

**ORIGINAL**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 Los Angeles, is engaged, among other things, in selling dis-integrated granite. By complaint filed May 17, 1928, it alleges that the charges lawfully applicable on one part carload of calcium chloride (bittern water) shipped from Home Junction to Bergamot during July, 1926, were excessive, unjust and unreasonable in violation of Section 13 of the Public Utilities Act of the State of California to the extent they exceed \$15.00 per car.

We are asked to authorize waiver of the collection of the undercharge.

The origin and destination points are on defendants system between Los Angeles and Santa Monica. The distance between said points is 1.9 miles. There was no class or commodity rate published from Home Junction to Bergamot on the commodity involved and charges of \$15.00 were assessed and collected. The lawfully applicable charges are \$60.00 per car based on a commodity

rate of 6 cents per 100 pounds, minimum weight 100,000 pounds named from Los Angeles to Santa Monica on calcium chloride as per Pacific Electric Railway Company's Tariff 120-C, C.R.C. 289. Complainant avers that this charge for a haul of less than two miles is excessive and unreasonable. Defendant admits the allegation of the complaint and has signified a willingness to waive collection of the undercharge.

Upon consideration of all the facts of record we are of the opinion and find that the applicable charge was unreasonable to the extent that it exceeded \$15.00 per car; that complainant made the shipment as described, paid and bore the charges thereon and should be relieved from paying the outstanding undercharge.

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 defendant, Pacific Electric Railway Company, be and it is hereby authorized and directed to waive undercollection from complainant, Hollywood Granite Company, Inc., in the sum of \$45.00 on account of the unreasonable charges lawfully applicable on the shipment involved in this proceeding and moved from Home Junction to Bergamont during July, 1926.

Dated at San Francisco, California, this 13<sup>th</sup> day of June, 1928.

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Commissioners.