

Decision No. 19989.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

CLARK CHEMICAL COMPANY,
a corporation,
Complainant,

vs.

SOUTHERN PACIFIC COMPANY,
a corporation,
Defendant.

ORIGINAL

Case No. 2555.

BY THE COMMISSION:

O P I N I O N

Complainant, a corporation organized under the laws of the State of Massachusetts, with its principal place of business at Los Angeles, is engaged in the manufacture of caustic soda. By complaint filed June 7, 1928, it alleges that the rate charged for the transportation of 14 carloads of burned lime rock from Keeler to Bartlett during the period March 7 to October 10, 1927, both dates inclusive, was unjust and unreasonable to the extent it exceeded $4\frac{1}{2}$ cents.

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

Keeler is the terminus of the Mina branch, four miles south of Bramway and 16 miles from Owenyo; Bartlett is on the Owenyo branch 31 miles from Keeler. At the time the shipments involved moved there was no commodity rate in effect on burned lime rock and charges were assessed on the basis of the combination class rates of 13 cents. Contemporaneously there was a

commodity rate of 4 cents applicable on lime rock, carload, from Framway to Skinner. These points are located between Keelor and Bartlett and the distance between said points is approximately 25 miles.

Effective June 20, 1928, defendant established a rate of 4½ cents, minimum carload weight 30,000 pounds, applicable to the transportation hereinbefore described and it is upon this basis that complainant seeks reparation. Defendant admits the allegation of the complaint and has signified a willingness to make reparation, therefore under the issues as they now stand a formal hearing will not be necessary.

Upon consideration of all the facts of record we find that the rate assessed was unreasonable to the extent it exceeded 4½ cents; that complainant made the shipments described and paid and bore the charges thereon at the rate herein found unreasonable; that it has been damaged thereby in the amount of the difference between the charges paid and those which would have accrued at the rate herein found reasonable, and that it is entitled to reparation.

Complainant will submit a statement of shipments to the defendant 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 defendant, Southern Pacific Company, be and it is hereby authorized and directed to refund to complainant, Clark Chemical Company, all charges it may have collected in the amount of the difference between the freight charges paid and those that would have accrued at 4½ cents per 100 pounds on the shipments involved in this proceeding and moved from Keeler to Bartlett during the period from March 7 to October 10, 1927.

Dated at San Francisco, California, this 3rd day of July, 1928.

C. Seavey

Emmott

David L. Smith

M. J. C.
Commissioners.