

Decision No. 20077

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Lawrence Warehouse Company,
a corporation,
Complainant

vs.

The Pacific Steamship Company,
a corporation,
Pacific Electric Railway Company,
a corporation,
Defendants.

Case No. 2571.

BY THE COMMISSION:

O P I N I O N

Complainant, a corporation, organized under the laws of the State of California, is engaged in the public warehouse business. By complaint duly filed and amended it is alleged that the rate assessed and collected on one hundred and eighty cases of canned tomato paste weighing 20,160 pounds, shipped August 26, 1926 from San Francisco to Los Angeles was prejudicial to the extent it exceeded 22½ cents per 100 pounds, minimum carload weight 36,000 pounds.

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

The shipment here involved moved from San Francisco to Wilmington via the Pacific Steamship Company thence to Los Angeles via the Pacific Electric Railway Company. At the time the shipment moved the lawfully applicable rate was 32 cents per 100 pounds, minimum carload weight 36,000 pounds which rate was charged and collected. However, there was contemporaneously in effect a joint commodity rate of 22½ cents minimum carload weight 36,000 pounds

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applicable from San Francisco to Los Angeles on canned goods including canned tomatoes as shown in Pacific Steamship Company Tariff 30-G, C.R.C. 49 and it is upon the basis of the canned goods rate that reparation is sought.

Effective December 1, 1926 canned tomato puree (paste) was placed on the same rate basis as other canned goods, thereby removing the alleged prejudice.

Defendants admit the allegation of the complaint and have signified their willingness to make a 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 prejudicial to the extent it exceeded 22½ cents per 100 pounds; that complainant made the shipments as described, paid and bore the charges thereon and is entitled to reparation in the sum of \$34.20.

ORDER

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 precedes this Order.

IT IS HEREBY ORDERED that defendants, The Pacific Steamship Company and Pacific Electric Railway Company, according as they participated in the transportation, be, and they are authorized and directed to refund to the complainant, Lawrence Warehouse Company, a corporation, reparation in the amount of \$34.20 on account of the prejudicial freight charges collected on the shipment of canned

tomato paste here involved moved August 26, 1926 from San Francisco to Los Angeles.

Dated at San Francisco, California, this 27th day of August 1928.

Leon Whiteley

David L. ...

W. A. ...
COMMISSIONERS.