

Decision No. 20256.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

CLARK CHEMICAL COMPANY,
Complainant,

vs.

SOUTHERN PACIFIC COMPANY,
SIERRA RAILWAY COMPANY OF CALIFORNIA,
Defendants.

ORIGINAL

Case No. 2586.

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 August 14, 1928, it alleges that the rate charged for the transportation of 10 carloads of lime from Sonora to Bartlett during the period from May 21, 1927, to December 2, 1927, both dates inclusive, was unjust and unreasonable to the extent it exceeded 38 cents.

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

Sonora is on the Sierra Railway Company; Bartlett is on the Owensyo branch of the Southern Pacific Company 129 miles from Mojave. At the time the shipments involved moved there was no specific commodity rate in effect on lime from Sonora to Bartlett. The shipments were assessed a rate of 52 cents, being a commodity rate applicable from Sonora to Keeler, as published in Pacific Freight Tariff Bureau 24-E, C.R.C. 371, and held as maximum at Bartlett.

Effective December 15, 1927, in Supplement No. 29 to Pacific Freight Tariff Bureau Tariff 24-H, C.R.C. No. 371, defendants established a specific rate of 38 cents, applicable to the transportation hereinbefore described, and it is upon this basis that complainant seeks reparation. Defendants admit the allegation of the complaint and have signified a 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 find that the rate assessed was unreasonable to the extent it exceeded 38 cents; that complainant made the shipments as described and paid or 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 that would have accrued at the rate herein found reasonable, and that it is entitled to reparation. Complainant waived the payment of interest.

Complainant will submit a statement of shipments to the defendants 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 defendants, Southern Pacific

Company and Sierra Railway Company of California, according as they participated in the transportation, be and they are hereby authorized and directed to refund without interest, to complainant, Clark Chemical Company, all charges they may have collected in the amount of the difference between the freight charges paid and those that would have accrued at 38 cents per 100 pounds on the shipments of lime involved in this proceeding and moved from Sonora to Bartlett during the period from May 21, 1927, to December 2, 1927, both dates inclusive.

Dated at San Francisco, California, this 25th day of September, 1928.

Leon White

C. J. Seavey

John D. Lott

W. F. Linn
Commissioners.