

Decision No. 20767.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

AMERICAN POTASH & CHEMICAL CORPORATION,  
Complainant,

vs.

Case No. 2646.

SOUTHERN PACIFIC COMPANY and  
TRONA RAILWAY COMPANY,  
Defendants.

BY THE COMMISSION:

O P I N I O N

Complainant is a corporation engaged in the manufacture of borax, boric acid and muriate of potash. By complaint filed January 10, 1929, it is alleged that the rates assessed and collected by defendants for the transportation of numerous carloads of old, used, second-hand burlap bags moving from Los Angeles to Trona during the period extending from January 10, 1927, to September 20, 1928, were unjust and unreasonable, in violation of Section 13 of the Public Utilities Act.

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

Trona is located on the Trona Railway 180 miles north of Los Angeles. Complainant's shipments moved via the Southern Pacific from Los Angeles to Searles, thence Trona Railway to destination. The lawfully applicable rate assessed and collected on the shipments moving prior to April 10, 1928, was 76 cents, made by a combination of commodity and class rates over Searles,

the factor from Los Angeles to Searles being a commodity rate of 42 cents and from Searles to Trona the 5th class rate of 34 cents. Effective April 10, 1928, the factor from Searles to Trona was reduced to 16 cents, making the through rate in effect on or after that date 58 cents.

Subsequent to the date the shipments here involved moved, defendants established effective September 20, 1928, a through commodity rate of 29½ cents, minimum carload weight 30,000 pounds, and it is upon the basis of this rate that complainant seeks reparation.

Defendants admit the allegations 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 are of the opinion and so find that the assailed rates were unjust and unreasonable to the extent they exceeded the subsequently established rate of 29½ cents, minimum carload weight 30,000 pounds; that complainant paid and bore the charges on the shipments in question and has been damaged to the extent of the difference between the charges paid and those that would have accrued at the rate herein found reasonable, and is entitled to reparation without interest. Complainant specifically waived the payment of interest.

Complainant will submit statement of shipments to 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 answers 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 this opinion, which said opinion is hereby referred to and made a part hereof,

IT IS HEREBY ORDERED that defendants, Southern Pacific Company and Tona Railway Company, according as they participated in the transportation, be and they are hereby authorized and directed to refund, without interest, to complainant, American Potash and Chemical Corporation, all charges collected in excess of 29½ cents per 100 pounds, minimum carload weight 30,000 pounds, for the transportation from Los Angeles to Tona of the shipments of old, used, second-hand burlap bags involved in this proceeding.

Dated at San Francisco, California, this 8th day of February, 1929.

Thos D. Latta

C. H. Seaver

Ernest C. Scott

Leon Whitely

M. J. Gunn  
Commissioners.