

Decision No. 20899 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

SQUARE OIL COMPANY, INC.,  
Complainant,

vs.

PACIFIC ELECTRIC RAILWAY COMPANY and  
LOS ANGELES AND SALT LAKE RAILROAD  
COMPANY,  
Defendants.

ORIGINAL

Case No. 2579.

C. E. Lapp, for complainant.

C. W. Cornell, for Pacific Electric Railway Com-  
pany, defendant.

W. F. Lincoln and E. E. Bennett, for Los Angeles  
and Salt Lake Railroad Company, defendant.

BY THE COMMISSION:

O P I N I O N

The complainant, Square Oil Company, is a California corporation with its principal place of business in Los Angeles. By complaint filed July 30, 1928, and as amended it is alleged that the charges assessed for the transportation of one carload of fuel oil from Los Cerritos on the Pacific Electric to the private industry track of the Italian Food Products Company, located on the rails of the Los Angeles and Salt Lake Railroad at Long Beach, were excessive, unjust and unreasonable, in violation of Section 13 of the Public Utilities Act to the extent that the charges exceeded 3 cents per 100 pounds for the line haul service of the Pacific Electric plus a switching charge of \$2.70 for

the service performed by the Los Angeles and Salt Lake Railroad Company. There is a demand for reparation and for the establishment at Long Beach of interchange arrangements between these two companies on the basis of a switching charge for the Los Angeles and Salt Lake service.

A hearing was conducted at Los Angeles March 14, 1929, by Examiner Geary, and the proceeding having been duly submitted is now ready for an opinion and order.

The car of oil in question weighed 96,488 pounds, and the total charge assessed was \$57.91, the regular tariff rates, 3 cents accruing to Pacific Electric for the haul from Los Cerritos to Long Beach, and 3 cents to the Los Angeles & Salt Lake for the movement from the interchange track to the private siding of the consignee. The distance moved by the Los Angeles and Salt Lake Railroad was approximately 600 feet, but due to the fact that there is no established switching interchange at Long Beach the regular minimum line haul charge was collected.

No attack is made upon the charges assessed by the Pacific Electric for the line haul service. Defendant Los Angeles and Salt Lake Railway admitted that a reasonable charge would have been \$2.70 for the switching service, and stipulated its willingness to adjust the charges accordingly. Complainant at the hearing withdrew its demand for a permanent interchange arrangement, and this was done because apparently there would be no future movements of this kind.

Upon consideration of all the facts of record we are of the opinion and find that the charges assessed by the Los Angeles and Salt Lake Railroad Company for the switching movement at Long Beach on the carload of oil in question was unjust and unreasonable to the extent that it exceeded \$2.70; that complainant paid and bore the charges thereon and is entitled to reparation without

interest (interest being waived by complainant).

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 the opinion which precedes this order,

IT IS HEREBY ORDERED that defendant Los Angeles and Salt Lake Railroad Company be and it is hereby authorized and directed to refund without interest to complainant, Square Oil Company, Inc., all charges that it may have collected in excess of \$2.70 per car for the switching at Long Beach of the one carload of fuel oil here in question, which shipment originated at Los Cerritos on the Pacific Electric Railway and was delivered to the private industry track of the Italian Food Products Company located on the rails of the Los Angeles and Salt Lake Railroad Company at Long Beach.

Dated at San Francisco, California, this 20th day of March, 1929.

Thos D. Lott

Al Seamy

Emilio C. ...

Leon ...

W. J. ...  
Commissioners.