

Decision No. 21857.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM CRAWFORD, an individual doing)
business as the Woodland Rice Mills,)

Complainant,)

vs.)

SOUTHERN PACIFIC COMPANY,
a corporation,)

Defendant.)

Case No. 2776.

BY THE COMMISSION:

O P I N I O N

Complainant is an individual engaged in the buying, selling and milling of rice under the firm name of Woodland Rice Mills. Its principal place of business is at Woodland, California. By complaint filed October 31, 1929, it is alleged that the rates assessed and collected on numerous carloads of paddy rice moving from Biggs and Richvale to Woodland during the period September 19, 1928, to January 2, 1929 inclusive were unreasonable in violation of Section 13 of the Public Utilities Act.

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

Biggs and Richvale are on the main line of the Southern Pacific Company 60 and 66 miles respectively north of Woodland. Complainant's shipments consisted of 8 carloads of paddy rice, 2 of which originated at Biggs and 6 at Richvale. Charges were assessed on basis of the lawfully applicable rates of $12\frac{1}{2}$ cents from Biggs and 14 cents from Richvale, named in Southern Pacific

Tariff 730-C, C.R.C. 2904, page 232. Complainant contends that these rates were unreasonable to the extent they exceeded a rate of 12 cents per 100 pounds, which is 125 per cent. of the grain rate concurrently in effect between the same points. This basis for rates on paddy rice was found by us to be proper in Rosenberg Bros. et al. vs. A.T. & S.F. Ry. et al., 22 C.R.C. 184. The rate of 12 cents was established subsequent to the date the shipments here involved moved.

Defendant admits the allegations of the complaint and has 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 find that the assailed rates were unreasonable to the extent they exceeded 12 cents; that complainant made the shipments as described, paid and bore the charges thereon and is entitled to reparation without interest. Complainant specifically waived the payment of interest.

Complainant will submit statement of shipments to 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 precedes this order,

IT IS HEREBY ORDERED that defendant, Southern Pacific Company, be and it is hereby authorized and directed to refund to complainant, William Crawford, all charges collected in excess of 12 cents per 100 pounds for the transportation from Biggs and Richvale to Woodland of the shipments of paddy rice involved in this proceeding.

Dated at San Francisco, California, this 2nd day of December, 1929.

Thos. L. Lott
C. J. Lauer
Wm. M. ...
Leon ...
M. J. ...
Commissioners.