

Decision No. 21899.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

GILMORE OIL COMPANY, a corporation,
HANCOCK OIL COMPANY, a corporation,
MARINE REFINING COMPANY, a corporation,
BERNARD F. ALFS and ROSE E. ALFS, a co-
partnership doing business as such
under the firm name and style of
CRESCENT REFINING & OIL COMPANY,
Complainants,

vs.

LOS ANGELES & SALT LAKE RAILROAD
COMPANY,
Defendant.

ORIGINAL

Case No. 2701.

F. W. Turcotte and E. H. Carmichael, for complainants.
E. E. Bennett, H. B. Ellison and J. L. Ronnow, for
defendant.

BY THE COMMISSION:

O P I N I O N

Complainants are engaged in the business of producing, refining and marketing petroleum and petroleum products. By complaint filed May 31, 1929, it is alleged that the charges assessed and collected on numerous carloads of petroleum and petroleum products moving from Burnett and Rioco via the Los Angeles & Salt Lake Railroad to Los Angeles for delivery to industry tracks on The Atchison, Topeka and Santa Fe Railway, were during the two-year period immediately preceding the filing of this complaint and now are unjust, unreasonable, inapplicable, unduly preferential and prejudicial in violation of Sections 13, 17 and 19 of the Public Utilities Act and in violation of the long and short haul provisions of Section 24 of the Act and of the State Constitution.

The Vernon Oil Refining Company intervened in support of the complaint. Complainants and intervener seek reparation

on past shipments and lawful rates for the future.

A public hearing was held before Examiner Geary at Los Angeles September 17, 1929, at which time exhibits showing the tonnage movement were introduced. No other evidence was presented as defendant stipulated it would be guided by the Commission's Decision No. 21098, rendered May 15, 1929, in Case No. 2629, Seaboard Petroleum Corporation vs. The Atchison, Topeka and Santa Fe Railway et al. In that proceeding we held that under the tariffs of the Los Angeles & Salt Lake Railroad Company the total charge assessed shipments of petroleum and petroleum products from Long Beach to industries on The Atchison, Topeka and Santa Fe Railway at Los Angeles established the maximum charge at the intermediate points, and any charge collected in excess thereof was in violation of Section 17 of the Act. Burnett and Rioco are intermediate to Long Beach on the movement to Los Angeles. Subsequent to the hearing complainants notified the Commission that the charges assessed and collected from Burnett and Rioco to Los Angeles in excess of those from Long Beach to Los Angeles had been refunded as straight overcharges.

In view of the foregoing we are of the opinion and so find that the complaint should be dismissed.

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 contained in the preceding opinion,

IT IS HEREBY ORDERED that Case No. 2701 be and the same is hereby dismissed.

Dated at San Francisco, California, this 13th day of December, 1929.

Wm. D. Lott

Ch. L. Lott

Edward C. Lott

Leon C. Lott

Wm. D. Lott
Commissioners.