

Decision No. 21392.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ASSOCIATED OIL COMPANY,
 Complainant,
 vs.
 SOUTHERN PACIFIC COMPANY,
 PACIFIC ELECTRIC RAILWAY COMPANY,
 Defendants.

ORIGINAL

Case No. 2793.

BY THE COMMISSION:

O P I N I O N

Complainant is a corporation with its principal place of business at San Francisco. By complaint filed November 26, 1929, it is alleged that the rate assessed and collected on 21 carloads of casinghead gasoline moving from Wadstrom to Watson during the period April 4, 1929, to April 17, 1929 inclusive was discriminatory in violation of Section 19 of the Public Utilities Act.

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

Wadstrom is on the line of the Southern Pacific Company 79 miles northwest of Los Angeles; Watson is 16 miles south of Los Angeles via the Pacific Electric Railway and 18 miles via the Southern Pacific Company. Complainant's shipments were routed Southern Pacific to Los Angeles thence Pacific Electric Railway to destination. Charges were assessed on basis of the lawfully applicable rate of 13 cents named in Sup-

plement 18 to Pacific Freight Tariff Bureau Tariff 167-F, C. R.C. 425.

Effective April 4, 1929, defendant Southern Pacific Company in its Tariff 333-G, C.R.C. 2496, published a rate of 10 cents from Wadstrom to Watson on its line to meet the competition of unregulated truck carriers. This rate, however, could not be applied on the shipments here involved inasmuch as they were for delivery to a Pacific Electric Railway industry; hence it was necessary to route them via the Pacific Electric Railway from Los Angeles to Watson. Effective April 18, 1929, defendants published in Pacific Freight Tariff Bureau Tariff 167-F, C.R.C. 425, a joint rate of the same volume as the local rate of the Southern Pacific Company. It is on the basis of the local rate of the Southern Pacific Company and the subsequently established rate in connection with the Pacific Electric Railway 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 find that the assailed rate was discriminatory to the extent it exceeded the rate of 10 cents contemporaneously in effect via the Southern Pacific Company direct; 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 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 the opinion which precedes this order,

IT IS HEREBY ORDERED that defendants, Southern Pacific Company and Pacific Electric Railway Company, according as they participated in the transportation, be and they are hereby authorized and directed to refund to complainant, Associated Oil Company, all charges collected in excess of 10 cents per 100 pounds for the transportation from Wadstrom to Watson of the shipments of casinghead gasoline involved in this proceeding.

Dated at San Francisco, California, this 7th day of January, 1930.

W. J. L. L.

C. L. L.

E. L. L.

Leon Whiteley

M. A. L.
Commissioners.