

Decision No. 22120.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

UNION OIL COMPANY OF CALIFORNIA,  
a corporation,  
Complainant,

vs.

STOCKTON TERMINAL AND EASTERN RAILROAD,  
a corporation,  
Defendant.

Case No. 2802.

ORIGINAL

BY THE COMMISSION:

O P I N I O N

Complainant is a corporation with its principal place of business at Los Angeles. By complaint filed December 18, 1929, it is alleged that the rate assessed and charges collected on numerous carloads of gasoline and engine (naphtha) distillate moving from Stockton to Linden during the period December 31, 1928, to September 13, 1929, were unduly prejudicial. Reparation only is sought.

Complainant's shipments consisted of 11 cars of gasoline and 5 cars of engine (naphtha) distillate. The lawfully applicable rate from Stockton to Linden, a distance of 14 miles, at the time shipments moved was the fifth class minimum rate of 11 cents per 100 pounds published in Stockton Terminal and Eastern Railroad Local Freight Tariff 1-E, C.R.C. No. 14. Effective October 7, 1929 in Supplement 3 to Stockton Terminal and Eastern Railroad Local Freight Tariff 1-E, C.R.C. No. 14, defendant published a specific commodity rate of \$1.40 per ton on gasoline and \$1.20 per ton on

engine (naphtha) distillate and it is on the basis of these subsequently established rates that complainant seeks reparation.

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 rate was unjust and unreasonable to the extent it exceeded the subsequently established rates; that complainant made the shipments as described, paid and bore the charges thereon and is entitled to reparation without interest. Complainant specifically waives the payment of interest.

The exact amount of reparation due is not of record. Complainant will submit to defendant for verification a statement of the shipments made, and upon payment of the reparation defendant will notify the Commission the amount thereof. Should it not be possible to reach an agreement as to the reparation award the matter may be referred to the Commission for further attention and the entry of a supplemental order should such be necessary.

#### ORDER

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 Stockton Terminal and Eastern Railroad be and it is hereby authorized and directed to refund to complainant Union Oil Company of California all charges collected in excess of \$1.40 per ton of 2000 pounds on the

shipments of gasoline and \$1.20 per ton of 2000 pounds on the shipments of engine (naphtha) distillate transported from Stockton to Linden, which are involved in this proceeding.

Dated at San Francisco, California, this 11<sup>th</sup> day of February, 1930.

C. L. Seaver  
Ernest A. ...

W. S. ...

Commissioners.