

Decision No. 22493.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

SCHULER-O'CONNELL GRAIN CO.,

Complainant,

vs.

SACRAMENTO NORTHERN RAILWAY,
SOUTHERN PACIFIC COMPANY,
NORTHWESTERN PACIFIC RAILROAD COMPANY,

Defendants.

ORIGINAL

Case No. 2830.

BY THE COMMISSION:

O P I N I O N

Complainant is a corporation engaged in the buying, selling and shipping of grain. Its principal place of business is at San Francisco. By complaint filed February 21, 1930, and amended April 17, 1930, it is alleged that the rate assessed and collected on one carload of milo maize weighing 67,900 pounds shipped from Chico to Santa Rosa September 29, 1928, was unreasonable in violation of Section 13 of the Public Utilities Act.

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

Complainant's shipment moved from Chico to Santa Rosa via the Sacramento Northern Railway, Southern Pacific Company and Northwestern Pacific Railroad Company. Charges were assessed on basis of 25 cents made by use of a combination of commodity rates of 17½ cents from Chico to South Vallejo, published in Pacific Freight Tariff Bureau Tariff No. 34-L, C.R.C. No. 405, and 7½ cents

from South Vallejo to Santa Rosa, contained in Pacific Freight Tariff Bureau Tariff No. 16-K, C.R.C. No. 422. Effective June 16, 1929, there was published in Sacramento Northern Railway Tariff No. 10-C, C.R.C. No. 31, a rate of 10 cents applying on grain from Chico to Sacramento, which when used in connection with a rate of 12 cents applicable from Sacramento to Santa Rosa, named in Item 3500-A of Pacific Freight Tariff Bureau Tariff No. 16-K, C.R.C. 422, produces a through charge of 22 cents. It is upon the basis of this subsequently established combination rate of 22 cents 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 unreasonable to the extent it exceeded the subsequently established rate of 22 cents; that complainant made the shipment as described, paid and bore the charges thereon and is entitled to reparation without interest. Complainant specifically waived the payment of interest.

The exact amount of reparation due is not of record. Complainant will submit to defendants for verification a statement of the shipments made and upon payment of the reparation, defendants will notify the Commission of 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.

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 defendants, Sacramento Northern Railway, Southern Pacific Company and Northwestern Pacific Railroad Company, according as they participated in the transportation, be and they are hereby authorized and directed to refund, without interest, to complainant, Schuler-O'Connell Grain Company, all charges collected in excess of 22 cents per 100 pounds for the transportation from Chico to Santa Rosa of the shipment of milo maize involved in this proceeding.

Dated at San Francisco, California, this 29th day of May, 1930.

C. L. ...

Thomas D. ...

M. J. ...
Commissioners.