

Decision No. 22742.**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

POMONA TILE MANUFACTURING COMPANY,  
 a corporation, )  
 Complainant, )

vs.

THE ATCHISON, TOPEKA AND SANTA FE  
 RAILWAY COMPANY,  
 SOUTHERN PACIFIC COMPANY,  
 LOS ANGELES & SALT LAKE RAILROAD  
 COMPANY, )  
 Defendants. )

Case No. 2779.

BY THE COMMISSION:

SUPPLEMENTAL OPINION

By our Decision No. 22208 rendered March 14, 1930, in the above entitled proceeding we directed The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company to refund to complainant all charges collected in excess of  $7\frac{1}{2}$  cents per 100 pounds for the transportation of 17 carloads of crude clay from Alberhill to Pomona during the period extending two years prior to October 31, 1929, the date the complaint was filed. The  $7\frac{1}{2}$ -cent rate, upon which the reparation award was based, was established effective April 15, 1930.

Subsequent to October 31, 1929, and before the  $7\frac{1}{2}$ -cent rate became effective on April 15, 1930, complainant shipped two additional cars of crude clay from Alberhill to Pomona via The Atchison, Topeka and Santa Fe Railway and Southern Pacific Company, upon which a rate of 9 cents per 100 pounds was assessed and collected. Complainant now petitions the Commission for a

supplemental order directing The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company to refund the excess charges collected on these two cars. Defendants have advised us that they are agreeable to paying reparation upon the shipments.

Under the circumstances a further hearing will not be necessary.

Upon further consideration of this record we are of the opinion and find that complainant is entitled to reparation, with interest at six per cent. per annum, to the basis of  $7\frac{1}{2}$  cents per 100 pounds on the two cars referred to in complainant's petition for a supplemental order.

O R D E R

A petition for a supplemental order in the above entitled proceeding having been filed by complainant, and good cause appearing,

IT IS HEREBY ORDERED that The Atchison, Topeka and Santa Fe Railway Company and the Southern Pacific Company, according as they participated in the transportation, be and they are hereby authorized and directed to refund to complainant, Pomona Tile Manufacturing Company, with interest at six (6) per cent. per annum, all charges they may have collected in excess of  $7\frac{1}{2}$  cents per 100 pounds for the transportation of the two cars of crude clay from Alberhill to Pomona referred to in the petition for supplemental order.

IT IS HEREBY FURTHER ORDERED that in all other respects our order dated the 14th day of March, 1930, in the above entitled proceeding be and it shall hereby remain in full force and effect.

Dated at San Francisco, California, this 4th day of August, 1930.

*[Handwritten signatures]*

COMMISSIONERS.