

Decision No. 2937.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM CRAWFORD, an individual doing  
business as the Woodland Rice  
Milling Co.,  
Complainant,

vs.

THE WESTERN PACIFIC RAILROAD COMPANY,  
a corporation,  
SACRAMENTO NORTHERN RAILWAY,  
a corporation,  
Defendants.

**ORIGINAL**

Case No. 2937.

BY THE COMMISSION:

O P I N I O N

Complainant is a corporation with its principal place of business at Woodland. By complaint filed October 6, 1930, it is alleged that the rate assessed and collected on four carloads of paddy rice shipped from Trowbridge to Woodland March 12, 1929, was in violation of Sections 13 and 17 of the Public Utilities Act.

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

Trowbridge is on the Western Pacific Railroad 17 miles south of Marysville. Woodland is on the Woodland branch of the Sacramento Northern Railway 63 miles southwest of Marysville. Complainant's shipments were routed Western Pacific - Sacramento Northern, no junction point being specified. Charges were assessed and collected on these shipments on basis of a rate of 18 cents. At the time the shipments moved, however, there was in effect from Trowbridge to Marysville a 5th class rate of  $8\frac{1}{2}$  cents. This rate was published in Western Pacific Railroad Company Tariff

362 E., C.R.C. 281. From Marysville to Woodland a specific commodity rate of 9 cents was named on 3rd revised page 73 of Sacramento Northern Railway Tariff 10-C, C.R.C. 31, making a through rate of  $17\frac{1}{2}$  cents. The shipments were overcharged  $\frac{1}{2}$  cent per 100 pounds.

In addition to the contention that the 18-cent rate was inapplicable complainant further contends that it was unjust and unreasonable to the extent it exceeded 16 cents. This rate is obtained by using a factor of 7 cents from Trowbridge to Marysville, which is 125% of the contemporaneously applicable grain rate of  $5\frac{1}{2}$  cents, plus the commodity rate of 9 cents on paddy rice from Marysville to Woodland, referred to above. The basis used in determining the 7-cent factor from Trowbridge to Marysville was prescribed by the Commission in Pacific Rice Growers' Association vs. The Atchison, Topeka and Santa Fe Railway et al., 19 C.R.C. 248.

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 inapplicable under the tariffs to the extent it exceeded  $17\frac{1}{2}$  cents; we further find that it was unjust and unreasonable to the extent it exceeded 16 cents; that complainant made the shipments as described, paid and bore the charges thereon and is entitled to reparation without interest to the basis of the rate herein found reasonable. 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 reparation defendants 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.

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, The Western Pacific Railroad Company and Sacramento Northern Railway, according as they participated in the transportation, be and they are hereby authorized and directed to refund without interest to complainant, William Crawford, all charges collected in excess of 16 cents per 100 pounds for the transportation from Trowbridge to Woodland of the shipments of paddy rice involved in this proceeding.

Dated at San Francisco, California, this 3<sup>rd</sup> day of November, 1930.

C. S. Leary  
Edna East  
Leon Whaley

\_\_\_\_\_  
\_\_\_\_\_  
Commissioners.