

Decision No. 23521

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

GRAYSON-OWEN PACKING COMPANY,
Complainant,

vs.

SOUTHERN PACIFIC COMPANY,
THE ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY,
VISALIA ELECTRIC RAILROAD COMPANY,
Defendants.

ORIGINAL

Case No. 2963.

BY THE COMMISSION:

O P I N I O N

Complainant is a corporation with its principal place of business at Emeryville. By complaint filed November 21, 1930, and as amended February 17, 1931, it is alleged that the charges assessed and collected for the transportation of nine cars of feeder cattle forwarded from Citro, Orange Cove and Le Grand to Dorris during May and June 1930 were unjust and unreasonable in violation of Section 13 of the Public Utilities Act. Reparation with interest is sought. Rates are stated in dollars per car.

Citro is on the Visalia Electric Railroad twelve miles northeast of Exeter. Orange Cove and Le Grand are on The Atchison, Topeka and Santa Fe Railway 162 and 80 miles respectively south of Stockton. Charges were assessed on complainant's shipments consisting of three cars from Citro, two from Orange Cove and four from Le Grand on basis of \$133.00, \$149.50 and \$131.00 respectively. The rate from Citro is made by combining the rates

applying to and from Exeter; those from Orange Cove and Le Grand are combinations of factors applying to and from Stockton. Complainant contends that these rates are unreasonable to the extent they exceed \$107.50 from Le Grand and \$114.50 from Citro and Orange Cove to Dorris. The rates sought are of the same volume as rates for equal distances under the so-called Nevada-California two line Mileage Scale published in Pacific Freight Tariff Bureau Tariff 193-B, C.R.C. 432.

Defendants admit the allegations of the complaint and have signified their 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 rates are unjust and unreasonable to the extent they exceed \$107.50 from Le Grand and \$114.50 from Citro and Orange Cove to Dorris; that complainant made the shipments as described, paid and bore the charges thereon and is entitled to reparation with interest at six per cent. per annum. Defendants should publish specifically rates of the volume of those herein found reasonable. This finding is without prejudice to any different conclusion which may be reached in proceedings now pending before the Commission and involving the level of rates on livestock.

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 the payment of the 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, Southern Pacific Company, The Atchison, Topeka and Santa Fe Railway Company and Visalia Electric Railroad Company, according as they participated in the transportation, be and they are hereby authorized and directed to refund to complainant, Grayson-Owen Packing Company, together with interest at six (6) per cent. per annum, all charges collected in excess of \$107.50 per car for the transportation from Le Grand to Dorris and \$114.50 per car for the transportation from Citro and Orange Cove to Dorris of the shipments of feeder cattle involved in this proceeding.

Dated at San Francisco, California, this 16th day of March, 1931.

D. J. Seavey
Leon Whelley
W. H. Cunn
W. B. Harris
Fred G. Stewart.
Commissioners.