

Decision No. 23538.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

STANDARD OIL COMPANY OF CALIFORNIA,
Complainant,

vs.

SOUTHERN PACIFIC COMPANY,
Defendant.

Case No. 3000.

BY THE COMMISSION:

ORIGINALO P I N I O N

Complainant is a corporation engaged in the purchasing, producing, refining and marketing of petroleum oils and the products thereof. By complaint filed January 27, 1931, it is alleged that the rate assessed and collected on numerous carload shipments of ground barytes transported from Los Angeles to Coalinga during March, April, May and June, 1929, were unjust and unreasonable in violation of Section 13 of the Public Utilities Act.

Reparation only is sought. Except as otherwise shown rates are stated in cents per 100 pounds.

Complainant's shipments, consisting of 18 cars, were forwarded from Los Angeles to Coalinga, a point on the Coalinga branch of the Southern Pacific Company 293 miles north of Los Angeles. Charges were assessed and collected on basis of the Class "C" rate of 32 cents, named on fourth revised page 270, Southern Pacific Tariff 711-C, C.R.C. 2843, plus a switching charge of \$2.70 per car. This latter charge however is not here in issue. Effective June 10, 1929, in its Tariff 730-C, C.R.C.

2904, twelfth revised page 38 defendant published a commodity rate of 22 cents applying on ground barytes from Los Angeles to Coalinga and it is on the basis of this subsequently established rate that complainant seeks reparation.

Defendant admits the allegations of the complaint and has signified its 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 22 cents; that complainant made the shipments 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 defendant for verification a statement of the shipments made and upon the 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.

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 defendant Southern Pacific Company be and it is hereby authorized and directed to refund without interest to complainant Standard Oil Company of California all charges (exclusive of switching charges) assessed in excess of 22 cents per 100 pounds for the transportation from Los Angeles to Coalinga of the shipments of ground barytes involved in this proceeding.

Dated at San Francisco, California, this 23rd day of March, 1931.

W. P. Seaver
Leon Whiteley
W. A. Carr
W. B. Harris
Frederic G. Stewart
Commissioners.