

Decision No. 23549.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

CALIFORNIA WOOL GROWERS ASSOCIATION,  
A.E. LYONS, N.J. KVALE, LA ROCA MONTE  
RANCHO, ALFRED KUEN, MECHEM BROTHERS,

Complainants,

vs.

NORTHWESTERN PACIFIC RAILROAD COMPANY,  
PETALUMA AND SANTA ROSA RAILROAD COMPANY,  
SOUTHERN PACIFIC COMPANY,

Defendants.

ORIGINAL

Case No. 2890.

BY THE COMMISSION:

O P I N I O N

Complainant California Wool Growers Association is an unincorporated organization formed for the protection and advancement of the sheep industry. Complainants A. E. Lyons, N. J. Kvale, La Roca Monte Rancho, Alfred Kuhn and Mecham Brothers are individuals, a copartnership and a corporation engaged in the producing, shipping, buying and selling of sheep. By complaint filed July 12, 1930, it is alleged that the charges assessed and collected for the transportation of feeder sheep from points on the Northwestern Pacific Railroad and Southern Pacific to destinations on the Southern Pacific Company and Petaluma and Santa Rosa Railroad are unjust, unreasonable, unduly prejudicial and discriminatory, in violation of the Public Utilities Act. Reparation only is sought.

Complainants' shipments consisted of six double-deck

carloads of feeder sheep forwarded from Trinidad to Dixon, two double-decks from Hopland to Camphora, seven double-decks and one single-deck from Cloverdale to Grimes, three double-decks from Ignacio to Orland and six double-decks from Capay to Stony Point. The shipments from Capay to Stony Point were routed Southern Pacific - Northwestern Pacific - Petaluma and Santa Rosa Railroad; the others were routed Northwestern Pacific - Southern Pacific. The applicable charges were the combination of the locals of each road, but these charges were not in all instances collected. On some of the shipments there are now outstanding undercharges.

Defendants admit that the assailed rates are unreasonable to the extent they exceed the following rates, and are willing to pay reparation to this basis:

Trinidad	to	Dixon	\$131.50	per	double-deck	car
Hopland	"	Camphora	105.00	"	"	"
Cloverdale	"	Grimes	84.50	"	"	"
"	"	"	49.50	"	single-	"
Ignacio	"	Orland	80.00	"	double-	"
Capay	"	Stony Point	84.00	"	"	"

This is substantially the basis prescribed by the Commission in Case 2392, California Cattlemen's Association vs. Northwestern Pacific Railroad Company et al., 32 C.R.C. 466. Complainants state this will satisfy the complaint; 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 were unjust and unreasonable to the extent they exceed the rates herein set forth; that complainants made the shipments as described and are entitled to reparation without interest on the shipments on which they paid and bore charges in excess of those herein found reasonable and to relief from the payment of undercharges on all other shipments on which higher charges were applicable. The payment of interest is specifically waived.

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. Complainants 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.

#### ORDER

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, Northwestern Pacific Railroad Company, Petaluma and Santa Rosa Railroad Company and Southern Pacific Company, according as they participated in the transportation, be and they are hereby authorized and directed to refund without interest to complainants, California Wool Growers Association, A. E. Lyons, N. J. Kvale, La Roca Monte Rancho, Alfred Kuhn and Mecham Brothers, all charges collected for the transportation of the shipments of sheep here involved in excess of the following:

Trinidad	to	Dixon	\$131.50	per	double-deck	car	
Hopland	"	Camphora	105.00	"	"	"	"
Cloverdale	"	Grimes	84.50	"	"	"	"
"	"	"	49.50	"	single-	"	"
Ignacio	"	Orland	80.00	"	double-	"	"
Capay	"	Stony Point	84.00	"	"	"	"

IT IS HEREBY FURTHER ORDERED that defendants, Northwest-  
ern Pacific Railroad Company, Petaluma and Santa Rosa Railroad Com-  
pany and Southern Pacific Company, be and they are hereby author-  
ized and directed to waive the collection of charges applicable  
on complainants' shipments in excess of those herein found reas-  
onable.

Dated at San Francisco, California, this 21st day  
of March, 1931.

C. Seavey  
Leon A. Whelan  
W. H. Lewis  
W. B. Harris  
Fred G. Stewart  
Commissioners.