

Decision No. 23817.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

SEABOARD PETROLEUM CORPORATION,)

Complainant,)

vs.)

PACIFIC ELECTRIC RAILWAY COMPANY,)

Defendant.)

Case No. 2976.

BY THE COMMISSION:

ORIGINALO P I N I O N

Complainant is a corporation engaged in the buying, selling, refining and marketing of petroleum and its products. By complaint filed December 31, 1930, it is alleged that the rate assessed and collected on 13 carload shipments of gas oil transported from East Long Beach to Los Angeles during January 1929 was unjust and unreasonable in violation of Section 13 of the Public Utilities Act.

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

East Long Beach is on the Pacific Electric Railway 19 miles south of Los Angeles. Charges were assessed and collected on complainant's shipments on basis of a rate of 4 cents named in Pacific Electric Local, Joint and Proportional Freight Tariff No. 120-C, C.R.C. 289. At the time these shipments moved there were maintained by defendant in the same tariff a rate of 3 cents for the transportation of gas oil in carloads from Watson,

Wilmington, Long Beach and other points in the same vicinity to Los Angeles and a like rate on crude oil from East Long Beach and related points. Complainant contends that the assailed rate was unreasonable to the extent it exceeded the rates concurrently maintained on crude oil from the same point of origin and on crude and gas oil from other points in the same vicinity to Los Angeles.

Defendant admits the allegations of the complaint and has 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 unjust and unreasonable to the extent it exceeded 3 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 Pacific Electric Railway Company be and it is hereby authorized and directed to refund without interest to complainant Seaboard Petroleum Corporation all charges collected in excess of 3 cents per 100 pounds for the transportation from East Long Beach to Los Angeles of the shipments of gas oil involved in this proceeding.

Dated at San Francisco, California, this 20th day of April, 1931.

CC Skaney
Leon O'Connell
M. H. ...
W. B. Harris
Fred G. Stevenson
Commissioners.