

Decision No. 22786.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

GENERAL PETROLEUM CORPORATION OF CALIFORNIA,  
a corporation, and  
CALIFORNIA TALC COMPANY, a corporation,

Complainants,

vs.

Case No. 3007.

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY  
COMPANY, a corporation,  
SOUTHERN PACIFIC COMPANY, a corporation, and  
SUNSET RAILWAY COMPANY, a corporation,

Defendants.

BY THE COMMISSION:

O P I N I O N

Complainants General Petroleum Corporation of California and California Talc Company are corporations engaged respectively in the purchasing, producing, refining and marketing of petroleum and petroleum products, and the producing, purchasing and mining of mineral products. By complaint filed February 13, 1931, it is alleged that the rates assessed and collected on numerous carload shipments of ground clay and ground barytes transported from Los Angeles to Coalinga, Maricopa, Ellwood, Sea Cliff and Drake during the two-year period immediately preceding the filing of this complaint were unjust and unreasonable in violation of Section 13 of the Public Utilities Act. Reparation and an order directing the waiving of existing undercharges are sought. Rates are stated in cents per 100 pounds.

Coalinga is on the Coalinga branch and Ellwood, Sea Cliff and Drake on the main line of the Southern Pacific 298, 114, 84 and 139 miles respectively north of Los Angeles. Maricopa is on the Sunset Railway 42 miles west of Bakersfield. The shipments of clay here involved moved prior to April 7, 1930, and those of barytes prior to July 10, 1929. The rates assessed and collected by defendants, those applicable under the tariffs and those sought by complainants are as follows:

<u>COMMODITY</u>	<u>DESTINATION</u>	<u>RATES COLLECTED</u>	<u>RATES APPLICABLE</u>	<u>*RATES SOUGHT</u>
Ground Clay	Coalinga	22	32 (1)	22 (4)
" "	Maricopa	20	33½ (2)	20 (5)
" "	Ellwood	15	25 (3)	15 (6)
" "	Sea Cliff	22½	22½ (1)	15 (6)
Ground Barytes	Drake	29½	29½ (1)	15 (7)
" "	"	06	29½ (1)	15 (7)
" "	Coalinga	22	32 (1)	22 (8)
" "	"	32	32 (1)	22 (8)

- (1) S.P.Co. Tariff 711-C, C.R.C. No. 2843, Class "C".
- (2) P.F.T.B. Tariff 38-I, C.R.C. No. 402, Class "C".
- (3) S.P.Co. Tariff 825-E, C.R.C.No.3271, San Francisco as maximum.
- (4) S.P.Co. Tariff 825-E, C.R.C. No. 3271, effective 4/7/30.
- (5) P.F.T.B. Tariff 38-I, C.R.C. No. 402, effective 4/7/30, Supplement 34.
- (6) S.P.Co. Tariff 825-E, C.R.C. 3271, effective 4/7/30, conception as maximum.
- (7) S.P.Co. Tariff 730-C, C.R.C. 2904, effective 7/10/29, conception as maximum.
- (8) S.P.Co. Tariff 730-C, C.R.C. 2904, effective 7/10/29.

\* Minimum carload weight 80,000 pounds.

Defendants admit that the assailed rates were unreasonable in that they exceed the rates sought 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 were unjust and unreasonable to the extent they exceeded the following, subject to a carload minimum weight of 80,000 pounds:

Ground Barytes, Los Angeles to	Coalinga	22 cents.
" " " "	Drake	15 cents.
Ground Clay " " "	Coalinga	22 cents.
" " " "	Maricopa	20 cents.
" " " "	Ellwood	15 cents.
" " " "	Sea Cliff	15 cents.

We further find that complainants made the shipments as described, paid and bore the charges thereon and are entitled to reparation without interest and to relief from the payment of undercharges. Complainants specifically waived the payment of interest.

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 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 The Atchison, Topeka and Santa Fe Railway Company, Southern Pacific Company and Sunset Railway Company according as they participated in the transportation, be and they are hereby authorized and directed to refund to complainants General Petroleum Corporation of California and California Talc Company, without interest, all charges

collected in excess of those herein found reasonable for the transportation from Los Angeles to Coalinga, Maricopa, Ellwood, Sea Cliff and Drake of the shipments of ground clay and ground barytes involved in this proceeding.

IT IS HEREBY FURTHER ORDERED that defendants The Atchison, Topeka and Santa Fe Railway Company, Southern Pacific Company and Sunset Railway Company be and they are hereby authorized and directed to waive the existing undercharges on the shipments of ground clay and ground barytes involved in this proceeding.

Dated at San Francisco, California, this 18<sup>th</sup> day of May, 1931.

C. J. Seavey  
Leon Whitely  
W. J. Cunn  
M. B. Harris  
Fred G. Stewart  
Commissioners.