

Decision No. 23947.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

GLOBE GRAIN AND MILLING COMPANY,)	
Complainant,)	
vs.)	Case No. 3053.
SOUTHERN PACIFIC COMPANY,)	
Defendant.)	

E. J. Forman, for the Complainant.
James E. Lyons and E. H. McElroy, for the Defendant.

CARR, Commissioner:

O P I N I O N

In this proceeding complainant alleges that the charges assessed and collected by defendant on one carload shipment of burlap bags transported from San Francisco to Calexico was, is, and for the future will be, unjust and unreasonable in violation of Section 13 of the Public Utilities Act. Reparation and a rate for the future are sought.

A public hearing was held at Los Angeles June 9, 1931, and the case submitted.

The shipment weighed 38,400 pounds. A charge of \$300.64 was assessed and collected, based upon a rate of 67 cents per 100 pounds, minimum 40,000 pounds, for that portion of the haul from San Francisco to El Centro and 8½ cents per 100 pounds, actual weight, from El Centro to Calexico. The shipment was overcharged \$5.76, the lawfully applicable factor from El Centro to Calexico being the fifth class rate of 7 cents. Defendant refunded the overcharge.

Complainant asks for a rate of 57 cents per 100 pounds, which rate was, and is, the rate on canned goods from San Francisco to El Centro. If the 57-cent rate is not found to be reasonable for bags, then complainant contends it should be accorded the 67-cent rate San Francisco to El Centro for the movement San Francisco to Calexico, as in many instances defendant now has in effect class and commodity rates between San Francisco and Calexico which are the same or substantially the same as the rates from or to El Centro.

The shipment was of a sporadic nature, being routed via defendant's line through error. Complainant ordinarily forwards similar shipments at lower rates in connection with the steamship lines through San Diego, thence rail to Calexico, or via water and rail to Los Angeles, thence truck to Calexico. A rate on a sporadic shipment of bags should not be condemned solely because of the existence of a lower rate on canned goods, which obviously move in volume, or because on some commodities rates from San Francisco to El Centro and Calexico are the same or substantially the same to the destination points. The record is not persuasive that the rate under attack is unreasonable. The complaint should be dismissed.

I recommend the following form of order:

O R D E R

This case having been duly heard and submitted, 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 preceding opinion,

IT IS HEREBY ORDERED that Case 3053 be and it is hereby dismissed.

The foregoing opinion and order are hereby adopted as

the opinion and order of the Commission.

Dated at San Francisco, California, this 10th day of
August 1931.

C. C. Sewer
Leon C. Walker
M. J. Cox
W. B. Harris
Fred G. Stearns
COMMISSIONERS.