

Decision No. 24576

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

GULF RED CEDAR COMPANY OF  
CALIFORNIA, INC., Complainant,

vs.

THE ATCHISON, TOPEKA AND SANTA FE  
RAILWAY COMPANY, Defendant.

**ORIGINAL**

Case No. 3128.

BY THE COMMISSION:

O P I N I O N

Complainant alleges by complaint filed October 5, 1931, that the charges assessed and collected on 17 carloads of rough cedar slabs or planks transported from Madera to Stockton during October, November and December, 1929, were unreasonable and excessive in violation of the Public Utilities Act. The complaint was amended on November 5, 1931, to include 15 additional cars moving during January, February, March and April, 1930.

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

Charges were assessed on complainant's shipments on basis of a rate of 14 cents, minimum 30,000 pounds, published in defendant's Tariff 5958-K, C.R.C. 618. Complainant contends that this rate is unreasonable to the extent it exceeds 13 cents,

which is the volume of rates contemporaneously in effect from Pinedale, Tuolumne, Sonora and Standard to Stockton. The rate from Pinedale applies via the Minarets and Western Railway to Fresno, thence Southern Pacific Company through Madera to Stockton; those from Tuolumne, Sonora and Standard apply via the Sierra Railway Company of California to Oakdale, thence The Atchison, Topeka and Santa Fe Railway to Stockton.

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 rate assessed and collected on complainant's shipments was unreasonable to the extent it exceeded 13 cents, minimum weight 30,000 pounds. We further find 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 The Atchison, Topeka and Santa Fe Railway Company be and it is hereby authorized and directed to refund to complainant Gulf Red Cedar Company of California, Inc., all charges collected in excess of 13 cents per 100 pounds, minimum carload weight 30,000 pounds, for the transportation from Madera to Stockton of the shipments of rough cedar slabs or planks involved in this proceeding.

Dated at San Francisco, California, this 14<sup>th</sup> day of March, 1932.

C. S. Harvey

W. A. Cunniff

W. B. Harris

Fred G. Stewart  
Commissioners.