

ORIGINAL

Decision No. 24578.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

PACIFIC GAS AND ELECTRIC COMPANY,)
 Complainant,)
 vs.)
 SOUTHERN PACIFIC COMPANY,)
 Defendant.)

Case No. 3175.

BY THE COMMISSION:

O P I N I O N

By complaint filed January 11, 1932, complainant alleges that the charges assessed and collected on numerous carload shipments of wrought iron pipe transported from Salinas and Euron to Emeryville during the two-year period immediately preceding the filing of the complaint were unjust and unreasonable in violation of the Public Utilities Act.

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

Complainant's shipments consisted of 26 carloads of wrought iron pipe, 5 of which originated at Euron and 21 at Salinas. Euron and Salinas are on the Coalinga branch and the main line of the Southern Pacific Company respectively; Emeryville is a sub-station of Oakland. The distance from Euron to Oakland is 236 miles and from Salinas to Oakland 109 miles. Charges were assessed and collected on complainant's shipments on basis of the

legally applicable 5th class rates of 58 cents from Euron and 31 cents from Salinas. Complainant alleges that these charges were unreasonable to the extent they exceeded 30 cents from Euron and 20 cents from Salinas. In support of this allegation it contrasts the earnings under the assailed rates with those obtaining both under the rates sought and under rates on the same commodity now in effect in other territories. At the time complainant's shipments moved there were in effect from Emeryville to Euron and Salinas rates of 30 and 16 cents respectively.

Defendant admits that the assailed rates were unjust and unreasonable 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 rates assessed and collected on complainant's shipments were unjust and unreasonable to the extent they exceeded 30 cents from Euron and 20 cents from Salinas to Emeryville. 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. Defendant should establish for the future rates not in excess of those herein found reasonable.

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 Southern Pacific

Company be and it is hereby authorized and directed to refund without interest to complainant Pacific Gas and Electric Company all charges collected for the transportation of the shipments of wrought iron pipe involved in this proceeding in excess of 30 cents per 100 pounds from Euron and 20 cents per 100 pounds from Salinas to Emeryville.

Dated at San Francisco, California, this 14th day of March, 1932.

C. Deane

M. A. C.

W. B. Harris

Fred G. Stewart
Commissioners.