

Decision No. 24628.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

MOUNT SHASTA PINE MANUFACTURING
COMPANY,

Complainant,

vs.

SOUTHERN PACIFIC RAILROAD COMPANY,

Defendant.

Case No. 3101.

MOUNT SHASTA PINE MANUFACTURING
COMPANY,

Complainant,

vs.

SOUTHERN PACIFIC RAILROAD COMPANY,

Defendant.

Case No. 3193.

BY THE COMMISSION:

O P I N I O N

Complainant is engaged in the general lumber business. By complaints filed August 3, 1931, and February 5, 1932, and as amended it alleges that the charges assessed and collected for the transportation of 51 carloads of logs from Bray to Barnard during August, 1930, and March and April, 1931 were unjust and unreasonable in violation of Section 13 of the Public Utilities Act.

Reparation only is sought.

Bray is on the main line of the Southern Pacific Company 45 miles north of Mount Shasta. Barnard is within the

Mount Shasta switching limits. Charges were assessed and collected on complainant's shipments on basis of a rate of \$3.00 per thousand feet named in Southern Pacific Company Tariff 634-C, C.R.C. 2848. On April 14, 1931, in Item 515-G, page 240-A of this same tariff defendant published a rate on logs from Eray to Barnard of \$14.50 per car, and it is on the basis of this subsequently established rate that complainant seeks reparation.

Defendant admits that the charges assessed were unjust and unreasonable to the extent they exceeded \$14.50 per car, 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 assailed rate was unjust and unreasonable; 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.

O R D E R

These cases being at issue upon complaints 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 defendant Southern Pacific Company be and it is hereby authorized and directed to refund

without interest to complainant Mount Shasta Pine Manufacturing Company all charges collected in excess of \$14.50 per car for the transportation from Bray to Barnard of the shipments of logs involved in these proceedings.

Dated at San Francisco, California, this 28th day of March, 1932.

C. C. Leary
Leon C. [unclear]
M. A. [unclear]
W. B. [unclear]
Fred G. [unclear]
Commissioners.