

Decision No. 25020.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

E. D. BALL,
CALIFORNIA LETTUCE GROWERS, INC.,
ISADORE FREEDMAN,
H. Y. MINAMI & SONS,
UNION PRODUCE COMPANY,

Complainants,

vs.

SOUTHERN PACIFIC COMPANY,

Derendant.

Case No. 3258.

ORIGINAL

BY THE COMMISSION:

O P I N I O N

By complaint filed May 11, 1932 complainants allege that the charges assessed and collected on numerous carloads of fresh lettuce transported from Guadalupe to Los Angeles during the two-year period immediately preceding the filing of the complaint, were unjust and unreasonable and in violation of Section 13 of the Public Utilities Act.

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

Guadalupe is on the Coast Division of the Southern Pacific Company, 197 miles north of Los Angeles. Complainants' shipments were transported to Los Angeles in refrigeration cars, with ice placed on and on top of the crates, but not in the bunkers of the car. The line-haul rate applicable on complainants' shipments was $35\frac{1}{2}$ cents. The shipments were also assessed a refrigeration

charge, which is not in issue.

In Consolidated Produce Company, Ltd., vs. Southern Pacific Company, 36 C.R.C. 706, the Commission found reasonable a rate of 30 cents for the transportation of lettuce, carloads, from Guadalupe to Los Angeles and awarded reparation to complainant in that proceeding. The complainants in this case ask for a similar finding with respect to their shipments.

Defendant admits the allegations of the complaint and has signified a 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 so find that the rate assessed and collected on complainants' shipments was unjust and unreasonable to the extent it exceeded a rate of 30 cents; that complainants made certain shipments within the two-year period immediately preceding the filing of this complaint, on which they paid and bore the charges and that on those shipments they are entitled to reparation without interest. Complainants specifically waive the payment of interest.

The exact amount of reparation due is not of record. Complainants 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

