

Decision No. 25025.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

UNION OIL COMPANY OF CALIFORNIA,)
 a corporation,)
 Complainant,)
 vs.)
 SACRAMENTO NORTHERN RAILWAY,)
 a corporation,)
 Defendant.)

Case No. 3279.

BY THE COMMISSION:

ORIGINALO P I N I O N

By complaint filed June 15, 1932, complainant alleges that the charges assessed and collected on one tank carload of gasoline transported from Sacramento to Westgate on July 9, 1930, were prejudicial.

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

Westgate is on the Sacramento Northern Railway one mile west of Sacramento. Charges were assessed and collected on complainant's shipment on basis of the 5th class minimum rate of 11 cents named on page 19 Index 300 and in Item 55-B of Sacramento Northern Railway Tariff 4-E, C.R.C. No. 50, minimum weight 9988 gallons, subject to an estimated weight of 6.6 pounds per gallon. Effective April 25, 1932, in Item 1330-J of the tariff just mentioned defendant published a rate of 5 cents from Sacramento to Westgate and it is on the basis of this subsequently established

rate that complainant seeks reparation.

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 assailed rate was unjust and unreasonable to the extent it exceeded 5 cents; that complainant paid and bore the charges on the shipment in question and is entitled to reparation without interest. Complainant specifically waives 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 Sacramento Northern Railway, a corporation, be and it is hereby authorized and directed to refund without interest to complainant Union Oil Company

of California, a corporation, all charges collected in excess of 5 cents per 100 pounds for the transportation from Sacramento to Westgate of the shipment of gasoline involved in this proceeding.

Dated at San Francisco, California, this 12th day of August, 1932.

C. L. Lewis
Leon Whalley
W. A. Cunn
W. B. Lewis
Fred G. Stewart
Commissioners.