

Decision No. 25486.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

PACIFIC COAST STEEL CORPORATION, )

Complainant, )

vs. )

ATCHELSON, TOPEKA AND SANTA FE )  
RAILWAY COMPANY, )  
LOS ANGELES AND SALT LAKE RAIL- )  
ROAD COMPANY, )  
PACIFIC ELECTRIC RAILWAY COMPANY, )  
SOUTHERN PACIFIC COMPANY, )

Defendants. )

Case No. 2974.

BY THE COMMISSION:

O P I N I O N

By complaint filed December 18, 1930, and as amended May 27, 1931, it is alleged that the charges assessed and collected for the transportation within the switching limits of Los Angeles of numerous carload shipments of iron and steel commodities and brick were in violation of the long and short haul provisions of Section 24 of the Public Utilities Act.

Reparation only is sought.

Complainant's shipments moved wholly within the Los Angeles switching limits. Charges thereon were assessed and collected at the applicable switching rates named in defendants' respective terminal tariffs. These charges exceeded those contemporaneously maintained by defendants for transportation of like

commodities between points suburban to Los Angeles where the movement is through Los Angeles.

Defendants in their formal answers denied the material allegations of the complaint. At the request of the complainant the matter was held in suspense pending the outcome of Case 3088, Calco Tile Manufacturing Corporation et al. vs. Los Angeles & Salt Lake Railroad Company et al., in which the same issues were involved. Following Decision 24821 of May 31, 1932, wherein the Commission found for complainants in the Calco case, defendants withdrew their answers and admitted the allegations of the complaint except as to such claims as are barred by the statute of limitations. They agreed to pay to complainant \$3,114.38 without interest upon the entry of an order by the Commission. Complainant specifically waived the payment of interest. 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 charges on complainant's shipments were assessed and collected in violation of the long and short haul provisions of Section 24 of the Public Utilities Act. We further find that complainant made the shipments as described, paid and bore the charges thereon and is entitled to reparation without interest on the shipments on which the cause of action accrued within the statutory period.

#### O R D E R

This case being at issue upon complaint 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 defendants Atchison, Topeka and Santa Fe Railway Company, Los Angeles and Salt Lake Railroad Company, Pacific Electric Railway Company and Southern Pacific Company according as they participated in the transportation, be and they are hereby authorized and directed to refund without interest to complainant, Pacific Coast Steel Corporation, all charges collected during the statutory period for the transportation within the switching limits of Los Angeles of the shipments of iron and steel commodities and brick involved in this proceeding in excess of those contemporaneously applicable on like shipments originating at or destined to suburban points beyond Los Angeles, moving via Los Angeles.

Dated at San Francisco, California, this 27th day of December, 1932.

O. C. Jewell  
Leon Alexander  
M. A. Lee  
W. B. Harrison  
Fred G. Stewart  
Commissioners.