

Decision No. 25288.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

WESTERN PIPE AND STEEL COMPANY OF  
CALIFORNIA,

Complainant,

vs.

SOUTHERN PACIFIC COMPANY,  
AMADOR CENTRAL RAILROAD COMPANY,

Defendants.

ORIGINAL

Case No. 3347.

BY THE COMMISSION:

O P I N I O N

By complaint filed September 15, 1932, it is alleged that the charges assessed and collected on 39 carloads of riveted steel pipe exceeding 20 inches in diameter and thicker than 16 gauge transported from South San Francisco to Martell during the period extending from September 22, 1930, to December 1, 1930, were unjust and unreasonable in violation of Section 13 of the Public Utilities Act.

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

South San Francisco is on the Southern Pacific Company within the San Francisco switching limits. Martell is on the Amador Central Railroad Company 12 miles east of Ione. Charges were assessed and collected on complainant's shipments at the applicable 5th class rate of 35 cents. Complainant contends that this rate was unreasonable to the extent it exceeded 30 cents, which is

the volume of a rate contemporaneously maintained on various iron and steel articles, exclusive of pipe, in carloads, minimum weight 40,000 pounds, and on pipe or tubing, plate or sheet, 16 gauge or thicker, in carloads of the same minimum but restricted so as not to apply on pipe or tubing exceeding 20 inches in diameter. It is likewise the volume of a rate maintained by defendant Southern Pacific Company for transportation of riveted steel pipe of the size shipped by complainant from San Francisco to Coalinga, a distance of 258 miles. The two-line distance from San Francisco to Martell is 152 miles.

Defendants admit the allegations of the complaint and have signified their 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 to the extent it exceeded 30 cents, minimum carload weight 40,000 pounds. 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. Defendants should establish for the future a rate not in excess of that herein found reasonable.

The exact amount of reparation due is not of record. Complainant will submit to defendants for verification a statement of the shipments made and upon the payment of reparation defendants 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 defendants Southern Pacific Company and Amador Central Railroad Company, according as they participated in the transportation, be and they are hereby authorized and directed to refund without interest to complainant, Western Pipe and Steel Company of California, all charges collected in excess of 30 cents per 100 pounds, minimum carload weight 40,000 pounds, for the transportation from South San Francisco to Martell of the shipments of riveted steel pipe involved in this proceeding.

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

C. S. ...  
Leon ...  
M. J. ...  
W. B. ...  
Fred G. ...  
Commissioners.