

Decision No. 25834.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

CALIFORNIA CATTLEMEN'S ASSOCIATION,
JOSEPH L. CROUCE,

Complainants,

vs.

THE ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY,
SOUTHERN PACIFIC COMPANY,

Defendants.

ORIGINAL

Case No. 3376.

BY THE COMMISSION:

O P I N I O N

By complaint filed October 11, 1932, and as amended, it is alleged that the charges assessed and collected on seven carloads of feeder cattle shipped from Le Grand to Davis on October 15, 1930, were unjust and unreasonable, in violation of Section 13 of the Public Utilities Act.

Reparation only is sought. Rates stated are per standard 36-foot car.

Le Grand is on The Atchison, Topeka and Santa Fe Railway Company 80 miles south of Stockton. Davis is on the Southern Pacific Company 13 miles west of Sacramento. Charges of \$74.50 per car, obtained by combining rates applying to and from Stockton, were assessed and collected on complainant's shipments. Complainant seeks reparation on basis of a rate of \$67.50 per car, obtained by taking 115% of the mileage scale applying between Nevada and California for the distance traversed.

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 charges assessed and collected on the seven carloads of feeder cattle involved in this proceeding were unjust and unreasonable to the extent they exceeded \$67.50 per car; that complainant Joseph L. Crouch 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

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 preceding opinion,

IT IS HEREBY ORDERED that defendants, The Atchison, Topeka and Santa Fe 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 Joseph L. Crouch all charges collected in excess of \$67.50 per standard 36-foot car for the transportation from Le Grand to Davis of the shipments of feeder cattle involved in this proceeding.

Dated at San Francisco, California, this 14th day of February, 1933.

C. L. Seaman
Leon Whitely
M. A. ...
M. B. ...
A. ...
Commissioners.