

Decision No. 3288.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

CALIFORNIA WOOL GROWERS ASSOCIATION,
HOWARD VAUGHN, THE FOSTER COMPANY,
SAN CLEMENTE SHEEP COMPANY,

Complainants,

vs.

NORTHWESTERN PACIFIC RAILROAD COMPANY,
SOUTHERN PACIFIC COMPANY,

Defendants.

ORIGINAL

Case No. 3288.

BY THE COMMISSION:

O P I N I O N

By complaint seasonably filed it is alleged that the charges assessed and collected by defendants for the transportation of numerous carload shipments of feeder sheep were and are unjust, unreasonable and discriminatory, in violation of Sections 13 and 19 of the Public Utilities Act.

Reparation only is sought. Rates are stated in dollars and cents per standard 36-foot car.

The points of origin and destination, the charges assessed and collected, and those sought by complainants are set forth in the following tabulation:

<u>Origin</u>	<u>Destination</u>	<u>Kind of Car</u>	<u>Collected</u>	<u>Sought</u>
Willits	Dixon	Single-deck	\$62.00	\$58.50
South Fork	Dixon	Double-deck	139.50	108.00
Vina	Fairville	Double-deck	93.00	84.00
Cloverdale	Los Angeles Harbor	Double-deck	185.65	167.00
Cloverdale	Los Angeles Harbor	Single-deck	124.00	122.00

Willits, South Fork, Fairville and Cloverdale are on the

Northwestern Pacific Railroad Company 128, 236, 34 and 84 miles respectively north of San Francisco; Dixon and Vina are on the Southern Pacific Company 72 and 189 miles respectively north of San Francisco. The charges assessed and collected on complainants' shipments were obtained by combining rates to or from intermediate points. Those on basis of which reparation is sought are made by taking 115% of the mileage scale published by the Southern Pacific Company for transportation of fat sheep between points on its line in California.

Defendants admit that the charges assessed and collected were unjust and unreasonable to the extent they exceeded those sought. The allegation of discrimination has been abandoned. 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 complainants' shipments were unjust and unreasonable to the extent they exceeded the following:

<u>From</u>	<u>To</u>	<u>Kind of Car</u>	<u>Charges</u>
Willits	Dixon	Single-deck	\$58.50
South Fork	Dixon	Double-deck	108.00
Vina	Fairville	Double-deck	84.00
Cloverdale	Los Angeles	Double-deck	167.00
Cloverdale	Los Angeles	Single-deck	122.00

We further find that complainants made the shipments as described, paid and bore the charges thereon, and are entitled to reparation without interest. Complainants specifically waived the payment of interest. Defendants should establish for the future rates not in excess of those herein found reasonable.

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, Northwestern Pacific Railroad 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 complainants Howard Vaughn, The Foster Company and San Clemente Sheep Company, according as their interests may appear, all charges collected for the transportation of the shipments of feeder sheep involved in this proceeding in excess of those herein found reasonable.

IT IS HEREBY FURTHER ORDERED that in all other respects this proceeding be and it is hereby dismissed.

Dated at San Francisco, California, this 27th day of February, 1933.

C. L. Seaver
Leon A. Hedley
M. A. Linn
M. B. Linn
W. B. Linn
Commissioners.