

Decision No. 1056

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

JOSEPH S. ANDERSON,

Complainant,

vs.

Case No. 358

DE PUE WAREHOUSE COMPANY, et al.

Defendants.

Joseph S. Anderson, in propria persona
C. W. Durbrow, for defendants.

EDGERTON, Commissioner.

O P I N I O N

The complainant in this case, Joseph S. Anderson, puts in issue the following rates charged for storage of mineral waters in various San Francisco warehouses operated by the defendants.

<u>Mineral Water</u>	<u>Charges in cents for first month</u>		<u>Charges in cents for each month thereafter</u>	
	<u>Storage</u>	<u>Labor</u>	<u>Storage</u>	<u>Labor</u>
Case of 50 quarts	5	2	5	-
Case of 100 pints	5	2	5	-
Case of 100 splits	3	2	3	-
Case of 50 splits	1½	1	1½	-

These rates, the complainant contends, are unjust, unreasonable and excessive as compared with rates for the storage of mineral waters in Eastern and Pacific Coast cities of corresponding size to San Francisco and higher than the rates charged and maintained by the defendant warehousemen in the past, and the Commission is asked to establish the following rates as just and reasonable for the service:

<u>Mineral Water</u>	<u>Storage for first month, in cents</u>	<u>Storage for each month thereafter, in cents</u>
Case of 50 quarts	5	3
Case of 100 pints	5	3
Case of 100 splits	3 $\frac{1}{2}$	2
Case of 50 splits	2 $\frac{1}{2}$	1 $\frac{1}{2}$

The rates for storage in the free warehouses in San Francisco, provided in the tariffs of defendants on file with the Commission, are the result of a compromise between defendant warehousemen and their patrons, and at the time this compromise was reached, it was understood that all parties interested had agreed on the schedules submitted, in which were included the rates on mineral water involved in this proceeding.

The complainant admits that he was aware that the matter of adjusting storage rates in which he was interested was being given consideration by the warehousemen and a committee of their patrons during the pendency of the application of these warehousemen to the Commission to increase their rates, and that he subscribed \$25.00 toward a fund to provide the necessary means for carrying on an investigation of the rates proposed by the warehousemen. Complainant contends, however, that he was not a party to the compromise and did not consent to the rates filed by the warehousemen, that he had no voice in the final adjustment of the rates for the storage of mineral water and that on several occasions he had attempted to confer with the parties directly in charge of the investigation for the storers, but was unsuccessful.

The complainant presented evidence to show that the rates charged for the storage of mineral water in defendants' warehouses are in excess of those charged for the storage of the same commodity in other large cities in the United States, but it is impossible from the record to determine that the same circumstances and conditions surround the rates in those cities as are present in San Francisco, - that is, that the expense of conducting the business or other conditions of storage are of sufficient similarity to con-

stitute the rates set out, in the statement, fair standards of reasonable rates for storage in San Francisco and therefore it is impossible to reach any conclusion based on this evidence regarding the San Francisco rates for storage.

The buildings used for storage purposes in San Francisco may or may not be of more costly construction and on more valuable ground than in other cities and the cost of conducting the business generally may or may not be higher in San Francisco than in the cities referred to by the complainant. We cannot, therefore, determine that the rates for storage of mineral water in San Francisco are excessive on the showing that lower rates obtain elsewhere without any evidence as to the conditions existing at other points.

We have made an exhaustive investigation of the rates charged by the defendant warehousemen for the storage of commodities of similar character and similarly packed for the purpose of determining whether under the present adjustment a proper relationship between the various commodities is maintained. Our investigations have led us to measure and weigh many different commodities which are now being stored in public warehouses in San Francisco and do not disclose that the rates for the storage of mineral water are unreasonably high as compared with the rates on such other commodities considering all of the conditions or elements which I think should properly be given consideration in arriving at reasonable rates for storage, such as the weight, value of commodity, space occupied, the manner in which packed, and the characteristic features of the respective commodities. The bare fact that the present rates are in excess of the rates which have been charged for the storage of mineral waters in the past is not conclusive that the present rates are unjust, unreasonable and excessive.

After a full consideration of all of the facts, I am of the opinion that the evidence presented in this case does not establish the charge that the present rates for the storage of mineral water in the warehouses of the defendants are unjust, unreasonable

and excessive, and I therefore recommend that the complaint be dismissed.

I submit herewith the following form of order:

ORDER

Joseph S. Anderson having filed with this Commission a complaint as to the reasonableness of the rates charged for the storage of mineral water in the warehouses of the defendants in this proceeding, and a full investigation and a hearing of the matters and things involved having been had, and the Commission being fully apprised in the premises,

IT IS HEREBY ORDERED that said complaint be and the same is hereby dismissed.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 20th day
of October, 1913.

Alex Gordon
Max Thelen
Edwin Edgerton

Commissioners.