

In the matter of the application of Schwertz Bros.,)
W. R. Grace & Co. and various other coffee importers)
and brokers for a re-hearing as to that portion of the) Application
Commission's decision making its former order as to) No. 125.
rates and charges for storing coffee retro-active.)

Decision No. 125 /

Appearances.

C. W. Durbrow for Warehousemen.

LOVELAND: COMMISSIONER.

OPINION OF THE COMMISSIONER.

At the time the matter of rates and charges for storing coffee first came before the Commission it was in an informal manner and the meeting was attended and the discussion participated in by warehousemen and their patrons, the coffee importers and brokers.

The larger question of rates and charges for warehouses generally was at that time before the Commission, but the dealers in coffee wanted an earlier decision so that they might make returns to the people in South America who consigned the coffee to them.

After a careful investigation at the informal hearing, the Commission decided to permit the schedule of rates and charges presented by the warehousemen to go into effect, and named March 23d as the effective date for such order, that being the effective date of the Public Utilities Act. The influence moving to make the order retro-active to that date is explained as follows: In the fall of 1911 the warehousemen presented a schedule of rates to their patrons, which schedule had received the approval of the Chamber of Commerce. These rates were being charged by the warehousemen, but after the Public Utilities Act became effective the warehousemen were notified that they must charge the rates which were in effect on October, 10, 1911, until they had received the approval of this Commission for different rates.

Inasmuch as at the informal hearing the Commission approved of the rates which had been named and used by the warehousemen

previous to March 23d, and until they had received instructions from this Commission to restore the rates in effect October 10, 1911, I considered it fair to make the effective date of the order which resulted from the informal conference the same as the effective date of the Public Utilities Act. At the hearing under the present application as to the retro-active feature of the former order, the Commission endeavored to learn from the coffee brokers and importers to what extent settlements had been made with their consignors in South America between March 23d and May 27th when the order resulting from informal conference was issued and made retro-active to March 23d. It was explained to them that this would have an important bearing in the consideration of the retro-active feature of the former order, but there was but one person willing to testify that he had made settlement with his consignor between those dates.

In the meantime the more comprehensive case of rates and charges for warehouses generally has been heard, and a decision rendered putting into effect the schedule of rates and charges named by the warehousemen and approved by the Chamber of Commerce, as before referred to. Certain patrons of warehouses have asked for a re-hearing and their petition will soon be heard in due form. Under these circumstances, I believe that the question of making the order as to rates and charges on coffee retro-active should be joined with and heard at the same time as the re-hearing of the general warehouse case, and I so hold.

An order will issue accordingly.

O R D E R.

Whereas, as a result of an informal hearing heretofore held on the question of rates and charges to be charged by warehouses for storing and handling coffee, an order was issued approving certain rates and charges for such service, which order was issued May 27th and made retro-active to March 23d; and whereas an application has been filed by certain importers and coffee brokers

asking that said order be modified to the extent of its retro-
active feature and whereas a hearing has been had on the larger
question of all rates and charges for warehouses, a decision
rendered and an application filed for a re-hearing, it is hereby
ordered that the application for a modification of the former
order making the rates and charges on coffee retro-active be
joined with and heard at the same time as application No. 16-25
& 28, comprehending a re-hearing of the question of rates and
charges for warehouses generally.

The above opinion and order are hereby approved and ordered filed
as the opinion and order of this Commission.

San Francisco, California.

July 1st, 1912.

A 6216 3072.

H. D. Loveland

Max Thelen

Edwin A. Edgerton

Commissioners