

Decision No. ✓

BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA.

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KLEIN-SIMPSON FRUIT COMPANY,  
Complainant,

vs.

THE ATCHISON, TOPEKA & SANTA  
FE RAILWAY COMPANY, SANTA FE  
REFRIGERATOR DISPATCH COMPANY  
and NORTHWESTERN PACIFIC RAIL-  
ROAD COMPANY,

Defendants.

ORIGINAL

Case No. 524.

Decision No. 1618

ESELEMAN, Commissioner.

OPINION ON APPLICATION FOR REHEARING.

The defendants herein filed an application for rehearing and particularly objected to the provision that ice for refrigeration in transit shall be furnished at cost.

After a consideration of the matters urged by defendants, I am of the opinion that the order should be modified making the amount to be charged at each particular point at which re-icing may be required definite and giving a reasonable amount for the service performed by the carriers; and with such modification, I recommend that the petition for rehearing be denied, and recommend the following amended order:

AMENDED ORDER.

An order having been entered in the above entitled proceeding, and an application for rehearing having been filed, and having carefully considered the same,

IT IS HEREBY ORDERED that the previous order in the above entitled matter stand as heretofore entered with the following modification:

✓ The Atchison, Topeka and Santa Fe Railway Company, Santa Fe Refrigerator Dispatch Company and Northwestern Pacific Railroad Company shall publish and file with this Commission, within twenty (20) days from the date hereof, a tariff providing that shippers shall provide for the initial/shipments of eggs from Petaluma to Los Angeles; and further providing that if the shipper so directs no further ice shall be furnished; or if the shipper so directs, re-icing shall be furnished by the carrier on the shipper's request at a price not to exceed \$3.50 at Stockton, \$3.50 at Bakersfield and \$6.00 per ton at Barstow. Said tariff shall further provide that on such shipments where the initial icing is performed by the shipper with directions not to re-ice in transit, said shipper shall assume all risk due solely to improper refrigeration. And further, that if shipper undertakes to perform the original icing service and directs the carriers to perform any re-icing service in transit, cars must be delivered to the carriers in the first instance fully iced to the capacity of the bunkers.

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 29th day of June, 1914.

John M. Carblenian  
H. J. Ireland  
W. J. Gordon  
Max Thelen

Commissioners.