

Decision No. _____

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
-----STANDARD OIL COMPANY,
A Corporation,
Complainant.

vs.

CASE NO. 1028.

SOUTHERN PACIFIC COMPANY,
and
LOS ANGELES & SALT LAKE RAIL-
ROAD COMPANY,
Defendants.S.G. Casad - for Standard Oil Company,
George D. Squires, for Defendants.

LOVELAND, Commissioner:

O P I N I O N

Complainant is a corporation engaged in the oil business, with headquarters at San Francisco.

By complaint filed December 9, 1916, it alleges that the rate of \$1.30 per ton charged by defendants for the transportation of twenty-five carloads of crude petroleum oil from Newhall to East San Pedro June 5, 1915 to October 2, 1915, both dates inclusive, was unjust, unreasonable and discriminatory and in violation of the Public Utilities Act in that it exceeded the rate of \$1.00 per ton contemporaneously maintained by defendants in the opposite direction, from East San Pedro to Newhall. Reparation is asked.

The shipments aggregated 2434095 pounds and charges were collected in the sum of \$1582.30 at the \$1.30 per ton rate assessed.

When the shipments moved defendants maintained a commodity rate of \$1.00 per ton from East San Pedro to Saugus, which rate, by intermediate application, applied to Newhall. A representative of the Southern Pacific Company testified that complainant, in December, 1916, called attention to the fact that the \$1.00 rate on crude oil applied only from East San Pedro to Newhall; that it was conceded the rate should have been published to apply in the opposite direction, Newhall to East San Pedro, the producing wells being located at the former point. Also, that the publication of the tariff was unintentionally delayed until April 4, 1916.

At this point I desire to call attention to this Commission's Rule No. 102, carried in Tariff Circular No. 2, which provides that on full information adjustments of this character will be authorized upon informal complaints, provided the tariff in which the rate admitted to be reasonable is published and becomes effective within six months after the shipments moved; also that authorization will be granted even if more than six months have elapsed between the movement of the shipment and the effective date of the tariff if the claim is filed with the Commission within six months after the shipment moved. Under the circumstances, if the defendants in this case had carried out the provisions of Rule 102 there would have been no necessity for formal proceedings. The rate of \$1.00 per ton on petroleum crude oil from Newhall to East San Pedro became effective April 4, 1916, in Supplement No. 14, as per Item 2837.

I find that the rate of \$1.30 per ton was unreasonable to the extent that it exceeded the rate of \$1.00 per ton; that complainant made the shipments as described and paid charges thereon at the rate found to have been unreasonable; that it was damaged to the extent of the difference between the charges paid and the charges

that would have accrued at the rate of \$1.00 per ton and that it is entitled to reparation in the sum of \$365.25.

I herewith submit the following form of order:

O R D E R

This case having come on regularly for hearing and the Commission being duly apprised in the premises,

IT IS HEREBY ORDERED that the defendants Southern Pacific Company and Los Angeles & Salt Lake Railroad Company be and are hereby ordered to make reparation to the Standard Oil Company in the sum of \$365.25 as reparation on account of unreasonable charges collected for the transportation of twenty-five carloads of petroleum crude oil from Newhall to East San Pedro.

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 1st day of February 1917.

Max Thelen

W. D. Howard

W. D. Howard

Frank R. Dehn

Commissioners.