

Decision No. <sup>49</sup>~~122~~

BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA.

GRAYSON-OWEN COMPANY,

Complainant,

vs.

SOUTHERN PACIFIC COMPANY,

Defendant.

J. O. Bracken for complainant.  
George D. Squires for defendant.

DECISION

Eshleman, Commissioner.

No. 238.

In this case the complainant asks for reparation on the ground that the carrier's commodity rate of \$75.00 from Cazelle to Stockyards, California, and \$74.00 Sisson to Stockyards, California, is in excess of a combination of locals on Suisun from these points to Stockyards. There is also an allegation that the rates charged are excessive and unreasonable. By stipulation it is agreed that this case shall be submitted on the testimony in Case No. 230. Complainant claims overcharge of \$1,360.96. Of this amount we find \$913.52 to be barred by the Statute of Limitations, (Case No. 222). The remainder, namely, \$447.54, is found to be an overcharge and to be in excess of what should have been collected by the carrier from this complainant. The defendant is accordingly ordered and directed to pay to complainant the sum of \$447.54, being the difference between the charges paid by the complainant and those which it would have paid had the proper rate been imposed, (Case No. 230), together with interest at the rate of 7 per cent per annum from the date hereof until paid.

The principle on which this decision is based shall be extended to like shipments and a similar order will be made by the Commission upon the presentation of proof of such like shipments, refunds thereon to be made by the carrier

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after receiving authorization of the Commission therefor.

The foregoing decision is hereby approved and ordered filed as the decision of the Commission.

John W. Eshleman

A. D. Loveland

W. Gordon

Commissioners.

San Francisco, California.  
February 27, 1912.