

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

C. H. JOHNSON, I. SELIG and J. SELIG,
doing business under the name and
style of J. G. Johnson,

Complainant,

vs.

SOUTHERN PACIFIC COMPANY,

Defendant.

No. 240.

J. O. Bracken for Complainant.
George D. Squires for Defendant.

DECISION

Eshleman, Commissioner.

This case presents the same question as is involved in Case No. 230, No. 237 and No. 238 and the parties have stipulated that it may be submitted on the evidence in Case No. 230. There is an error in the complainant's computation of the amount due under his theory of the case, which error has not been called to our attention by the defendant. We find, however, that if we apply the rates urged as applicable by the complainant that he has been overcharged \$164.58 instead of \$254.58. On the authority of Case No. 230, we find the complainant overcharged in the sum of \$164.58.

The defendant is accordingly ordered and directed to pay to the complainant the sum of \$164.58, being the difference between the charges paid by the complainant and those which it would have paid had the proper rate been imposed, 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 presentation of proof of such like shipments, refunds thereon to be made by the carrier after receiving authorization of the Commission therefor.

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

John M. Eschleman
H. J. Overland
Alex G. Don
Commissioners.

San Francisco, California.
February 27, 1912.