

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ENNIS-BROWN COMPANY,
Complainant,

vs.

SOUTHERN PACIFIC COMPANY,
Defendant.

Case No. 353.

ORIGINAL

G. J. Bradley for complainant,
George D. Squires for defendant.

GORDON, Commissioner.

O P I N I O N.

Complainant is a corporation engaged in the buying and selling of produce at Sacramento, California.

By its petition, filed January 3, 1913, the reasonableness of defendant's tariffs providing for the absorption of storage charges on beans at Sacramento and at Stockton, when landed by river boats, is put in issue and reparation asked in the sum of \$91.30.

It is alleged that from November 1, 1911, to October 25, 1912, there was an unreasonable preference and advantage at Stockton in violation of Section 21 of Article XII of the Constitution of the State of California, and of Section 19 of the Public Utilities Act.

During the period November 1, 1911, to September 26, 1912, the Southern Pacific Company received from complainant at Sacramento, 525,467 pounds of beans for movement to various points in California, and complainant avers that these shipments, which were received from river boats at Sacramento, were discriminated against by defendant, for the reason that they were not given the same absorption of warehouse storage charges as were granted to similar shipments moved

from Stockton during the same period of time.

Sacramento and Stockton are located forty-eight miles apart. The traffic conditions in these two cities, as bearing on this proceeding, are by no means comparable. This is not a proper case for the application of the provisions of Section 21 of Article XII of the Constitution or Section 19 of the Public Utilities Act.

I find that no unreasonable difference as to rates or charges between localities was shown by the evidence in this case.

I therefore recommend the following order:

O R D E R.

This case being at issue upon complaint and answer on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had,

IT IS HEREBY ORDERED that the complaint in this proceeding be, and it is hereby dismissed.

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 6th day of June, 1915.

H. S. Loveland
W. J. Gordon
Max Shelton
Edwin O. Edgerton
Commissioners.