

Decision No. 732

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

Decision No. 732
4731
MAY 11 1911

.....
NOBLE ELECTRIC STEEL COMPANY,

Complainant,

vs.

Case No. 252

SOUTHERN PACIFIC COMPANY,

Defendant.
.....

J. O. Bracken for Complainant

George D. Squires for Defendant

GORDON, Commissioner:

O P I N I O N .

Complainant seeks reparation on charges collected on five carload shipments of structural iron and steel from San Francisco, California to Pitt, California. These shipments moved between May 16, 1910 and June 21, 1911. Complainant paid the published rate of 61¢ per hundred pounds, and now alleges that this rate is unreasonable, and that 25¢ per hundred pounds would be a reasonable rate, and requests reparation for the difference between these two rates which upon the shipments involved in this proceeding amounts to \$1,472.22.

Complainant bases its right to reparation upon an allegation that the rate under which the shipments moved was excessive and unreasonable. It was held in this Commission's decision in Case No. 283, Scott, Wagner & Miller, et al. vs. Western Pacific Railway Company, that prior to the amendment of the State Constitution on October 10, 1911, a shipper had no substantive right to reparation on the ground that the rate

collected was excessive and unreasonable. Inasmuch, therefore, as all of the shipments involved in this proceeding moved prior to October 10, 1911, and the charges therefor were collected prior to that date, complainant is not entitled to any reparation and this portion of the complaint will have to be dismissed.

Although the allegations in the complaint are directed primarily to the claim for reparation, complainant has also requested the Commission to establish a reasonable rate to be collected in the future for the transportation of structural iron and steel between San Francisco, California and Pitt, California. These commodities move at present under a 5th Class rate. A revision of this rate will necessarily involve a revision of each of the rates in the other ten classes on a proper percentage spread. A revision of this rate would also be reflected to points as far north as the Oregon state line. It is obvious, therefore, that in order to determine a reasonable rate between San Francisco and Pitt the entire scale of class rates in the Sacramento Valley and Siskiyou Mountain districts will have to be adjusted.

The Commission is not prepared at this time to announce what it considers a reasonable rate as requested in the complaint. As before stated, however, inasmuch as the complaint is directed chiefly toward the request for reparation, I recommend that an order be made in this proceeding at this time deciding the allegations in regard to reparation, and that the decision of the Commission upon the other allegations in the complaint be postponed until the entire scale of class rates in the Sacramento Valley and Siskiyou Mountain districts has been investigated.

I submit herewith the following form of order:

O R D E R .

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

IT IS HEREBY ORDERED That the complaint in this pro-

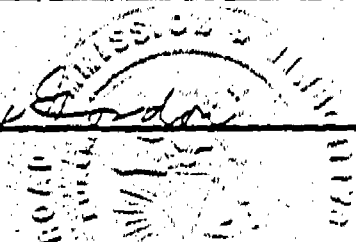
ceding be and the same hereby is dismissed to the extent that the complaint contains a request for reparation, but that in so far as the complaint contains a request that this Commission establish a reasonable rate on structural iron and steel between San Francisco and Pitt, California, the decision is postponed until such time as a general investigation into the entire scale of class rates in the Sacramento Valley and Siskiyou Mountain districts has been completed.

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 20th
day of June, 1913.

John M. Eschleman

Alex Gordon



Max Thelen

Commissioners.