

Decision No. 7544

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

PACIFIC RICE GROWERS ASSOCIATION,)
Complainant)
vs)
DOFUE WAREHOUSE CO., et al.,)
Defendants)

Case No. 1337

J. M. Inman and C. E. Donohoe, for complainant.
C. W. Durbrow, for Do Fue Warehouse Company, et al.
Sanborn & Roehl, for Sacramento River Warehouse
Company, et al.
Chas. W. Thomas, for Woodland Warehouses, et al.
Goodfellow, Ellis, Moore & Orrick by C. J. Goodoll,
for State Warehouse Company.
H. E. Bailey, for Ely's Warehouse.

DEVLIN, COMMISSIONER:

OPINION

The Pacific Rice Growers Association, complainant in this proceeding, is a cooperative association with a membership of three hundred and fifteen persons, firms and corporations engaged in producing rice in the State of California and storing the same in whole or in part in the warehouses conducted by the parties named defendants. The defendants are eighty-five in number and include practically all of the public warehouses operating in the Sacramento Valley engaged in storing rice, as well as other commodities.

Under the tariffs now in effect the storage season in the majority of the warehouses begins June 1st of each year and ends May 31st of the following year. Complainant alleges that rice is harvested during the period October 1st to and including December 31st and that because the storage of rice is commenced later than is the storage of other grains a large part of the crop remains in the warehouses after June 1st following the date of storage, thus compelling complainant's members, in a great many instances, to pay two years storage on the season's crop. Complainant contends that the storage season for rice

should be from the first day of September each year to the 31st day of August of the following year.

In an amended complaint, filed September 23rd, 1919, complainant asked for an order requiring that warehouses storing rice be equipped with lights, in order that services may be rendered during the full twenty-four hours each day when necessary; also that loading devices be installed and that the warehouseman be required to furnish a Public Weighmaster's certificate giving the weight of the rice at time of removal from the warehouse.

At the final hearing it was announced by the attorneys representing complainant and defendants that an agreement would be arranged satisfactory to all of the interests. Accordingly a compromise, covered by stipulation and signed by complainant's attorneys and representatives of -

J. W. Charge & Son	De Pue Warehouse Company
Farmers' Cooperative	Farmers Transportation Co.
Union of Butte County	Globe Grain Milling Co.
Farmers Warehouse Company	Grand Island Warehouse
(Grimes)	Crangers' Business Ass'n
Griffin & Hornall	Gridley Warehouses
Griffin & Hornall	Kittrick & Hall
Maxwell Grain Storage	J. M. Miller (Howell's
Warehouse	Point Warehouse)
Nelson Warehouse	Northern California Ware-
Northern Star Mills	house Company
Sacramento River Warehouse Co.	Schrad Brothers
State Warehouse Co.	Sutter Basin Company
Willows Warehouse Ass'n	

was submitted for the Commission's consideration and approval.

Following is the text of the document:

"STIPULATION"

It is hereby stipulated by and between the parties hereto that the complaint in the above-entitled proceeding may be dismissed as to defendants mentioned below, in consideration of the following understanding being reached:

I.

It is agreed that the storage period for Paddy Rice shall be from September first, in one year, to August 31st, the following year, as constituting a season's storage.

II.

It is agreed that warehouses will be equipped with proper facilities and employ sufficient men to operate warehouse eighteen (18) hours per day, during four weeks of the peak of the rice harvest season, provided growers give warehousemen six (6) hours notice of intention to haul after 6:00 P.M.

III.

Warehousemen will weigh all shipments of rice going out of warehouse and issue weighmaster's certificate for each shipment.

IV.

Warehouses will be equipped with one piling machine for each 100,000 sacks of capacity for rice storage.

V.

Warehousemen shall make out weight tags in duplicate for each load received, delivering one copy to drayman and one copy to owner of rice stored.

VI.

Rice Association, on behalf of all of its members, agrees that it will endorse application of the warehouses mentioned below, when made to the Railroad Commission, wherein the undersigned warehouses shall petition for an increase in the aggregate charge of two (2) dollars per ton to cover the service of receiving, weighing-in, piling, storage, weighing-out and loading into cars, for the season of September 1st to August 31st, for Paddy Rice, in ordinary grain bags.

VII.

It is further mutually agreed by and between the parties hereto that tariffs shall be filed containing rules covering the aforesaid provisions whenever and at such time as the Railroad Commission of the State of California shall enter its order permitting the undersigned warehouses to charge said rate of \$2.00 per ton for rendering the services hereinbefore specified, and the undersigned warehouses agree that they will at once publish and make effective said tariffs providing said rules, regulations and rate upon said order being entered; and in the event of said Railroad Commission denying the application of undersigned warehouses to make said charge for said services that this stipulation shall be of no force and effect."

In view of the said stipulation, which meets and covers all of the points in dispute between the parties thereto, and in view of the fact, which is hereby found, that the terms, provisions and conditions of said stipulation are just and reasonable to the parties to this proceeding, the authority to readjust rates, rules and regulations, as provided for and agreed to in said stipulation, should be granted.

Complainant having also requested that the action be dismissed as to all of the defendants, I am of the opinion that, upon fulfillment of the conditions named in the accompanying order, the entire proceeding should be dismissed.

The following order is submitted:

O R D E R

Pacific Rice Growers Association having filed a complaint against De Pue Warehouse Company, et al, public hearings having been held thereon, an agreement among interested parties having been reached, as per stipulation set out in the foregoing opinion, applications having been submitted as provided therein, complainant having requested that the case be dismissed, and the Commission being fully apprised in the premises,

IT IS HEREBY ORDERED that the terms of the said stipulation be and they are hereby approved and the complaint dismissed.

IT IS FURTHER ORDERED, that all defendants, parties to the said stipulation, be and they are hereby authorized to publish, effective twenty days after date of filing, tariffs embodying the provisions of said stipulation including a season rate of \$2.00 per ton for storing and handling Paddy Rice, such season to extend from September first of a given

year to August 31st of the year following, both dates inclusive.

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 10th day of May, 1920.

Edwin O. Edgerton

A. D. Lowland

Frank K. Johnson

H. B. Brundage

Devinne Masterson
Commissioners.