

Decision No. 7988

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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California Packing Corporation
et al.,

Complainant,

vs.

Southern Pacific Company, a cor-
poration, Walker D. Eines,
Director-General of Railroads,

Defendant.

CASE NO. 1416

H. E. Gogarty, for Southern Pacific Company, Defendant.
H. E. Van Horn, for California Packing Corporation, et al.,
Complainants.

LOVELAND and MARTIN, COMMISSIONERS -

O P I N I O N

A hearing was held in the above entitled proceeding before Commissioners Loveland and Martin on Tuesday, May 11, 1920, at which time after a discussion litigants requested a postponement expressing a desire to endeavor to adjust the matter involved out of court.

The proceeding involved reparation payments against empty carriers moving from a point on the Belt Railroad north of Market Street to Mountain View. The tariffs in effect at the time the shipments moved, because of faulty construction, provided different rates.

Defendant having admitted that under the tariffs the rates as claimed could not be exceeded and having through its Claim Department refunded the overcharges, written request was made for dismissal of the action, and the tariffs having been

corrected, I am of the opinion that the case should be dismissed.

O R D E R

IT IS HEREBY ORDERED that, good cause appearing, the amount of reparation in this case having been paid, and the Commission being fully informed, believes that the same should 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 23^d day of August, 1920.

Eddie C. Edgerton

H. D. Long

Wm. R. D. White

H. B. D. D. D.

COMMISSIONERS.