

Decision No. 9101

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

Pacific Portland Cement Company,)
Consolidated, a corporation,)
Complainant.)

vs.

CASE NO. 1447.

Southern Pacific Company,)
a corporation, et al.,)
Defendants.)

BY THE COMMISSION:

OPINION ON PETITION FOR REHEARING
AND MODIFICATION OF ORDER

On May 12, 1921, the Railroad Commission made its order in Case No. 1447, and by Decision No. 8962 dismissed the proceeding.

On the 2nd day of June, 1921 applicant filed a petition for rehearing based upon alleged errors in the findings of the Commission in its decision. On page 16 of the typewritten copy of the opinion the following statement was made, to which applicant makes objection:

"This determination is necessarily based upon the record presented in this case, which was completed and submitted on August 26, 1920.

* * * * *

"I must conclude, however, from the record before me that not only is a rate in excess of 70 cents per ton charged and collected since

"September 1, 1920 unreasonable, but that the reasonable rate is 70 cents per ton for the future. In reaching this conclusion I am not unmindful of the authority granted the carrier in Decision No. 7983, Application No. 5728, August 17, 1920 to increase the entire fabric of freight rates, but that authority was granted without consideration of any specific rates, they being subject to future adjustments as appeared necessary. Clearly the record in this proceeding shows that a rate higher than 70 cents per ton would at this time and for the future be excessive and unreasonable."

Counsel for the petitioner alleges that the evidence does not justify the findings in the decision appearing on page 16, quoted above, and also that the Commission had no jurisdiction upon the record to make any finding as to the reasonableness of a rate established subsequent to the date upon which the case was submitted, in this instance being August 26, 1920.

There is nothing in the decision in this proceeding which in any way conflicts with any of the principles or procedures of this Commission in other cases. The recommendations offered are no different from those given in many like proceedings and we fail to find wherein the Commission was in error.

The Commission finds no reason to change its opinion as expressed in the decision, and counsel's contention is without merit.

The petition will be denied.

**ORDER DENYING PETITION FOR REHEARING
AND MODIFICATION OF ORDER**

The Southern Pacific Company having filed petition for a rehearing herein, and the Railroad Commission finding that no good

reason exists why a rehearing should be held, or the order modified.

IT IS HEREBY ORDERED that the petition be and the same is hereby denied.

Dated at San Francisco, California, this 13th day of June, 1921.

L. A. Brundage
H. L. Loveland

W. T. Pennington
Commissioners.