

ORIGINAL

Decision No. 910

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

L. C. ROSS,	:	
	:	
Complainant,	:	
vs.	:	Case No. 405.
	:	
SOUTHERN PACIFIC COMPANY,	:	
a corporation.	:	
Defendant.	:	

E. J. Emmons, for Complainant;  
George D. Squires, for Defendant.

LOVELAND, Commissioner.

OPINION and ORDER

The Commission decided in Case No. 283, being the case of Scott, Wagner and Miller against Western Pacific Company, that, inasmuch as the Constitution of the State provided, prior to October 10, 1911, that the rates established by this Commission should be deemed conclusively just and reasonable, that no reparation could be awarded upon shipments moving prior to October 10, 1911 and the charges collected therefor prior to that time were proper when the right to reparation was based solely upon the ground that the rates collected were unreasonable or discriminatory.

As it appears in the present case that the Commission had fixed rates prior to October 10, 1911 covering the shipments moving in this case, and that the tariff rates were applied upon the movements in question, this case falls clearly within the conclusions announced by the Commission in Case No. 283.

Complainant, therefore, has not justified the claim for reparation under the law, and I recommend that the complaint be dismissed, and it is so ordered.

The foregoing Opinion and Order is 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 25<sup>th</sup>  
day of August, 1913.

H. B. Lovland  
Alfred Gordon  
Max Thelein

Commissioners.