

Decision No. 9541

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

JUDSON MANUFACTURING COMPANY,  
Complainant,

vs.

SOUTHERN PACIFIC COMPANY,  
Defendant.

CASE NO. 1551

A. Larsson, for Complainant  
C. W. Durbrow, Elmer Westlake and  
Frank B. Austin, for Defendant.

BY THE COMMISSION -

OPINION ON APPLICATION FOR REHEARING

On August 30, 1921, the Southern Pacific Company, defendant in this proceeding, filed with the Railroad Commission a petition for a rehearing on Decision No. 9151, Case No. 1551, issued June 21, 1921,

This proceeding involved the switching charges of the Southern Pacific Company for moving carload shipments of ingots and other steel articles between points within complainant's plant located at Emeryville. Complainant alleged charges assessed to be unjust, unreasonable, discriminatory and prejudicial and, therefore, in violation of the Public Utilities Act, and asked reparation upon the shipments moved between July and December, 1917. No rate for the future was involved.

The Commission found the charge of 25 cents per ton, with a minimum of \$5.00 per car, assessed by defendant and complained of by complainant, excessive and unreasonable. The Commission found further that \$3.00 per car, would be a just and reasonable rate for the service when performed in 1917 and ordered reparation, with interest at seven per cent (7%) per annum from date of collection.

Petitioner presents four reasons why a rehearing should be granted, but it will not be necessary to deal with the contentions seriatim, the main objection being that the evidence does not justify the finding that defendant performs at other stations a large amount of switching service at rates voluntarily established lower than the claimed average daily earning capacity of a car; that the \$2.50 per car switching charge used as a comparison is not a proper comparison; that the service performed for complainant is not essentially different from that performed at different points in the Emoryville district; and that the switching service performed for complainant at Emoryville differs substantially from the switching service performed at Richmond.

The matters referred to by defendant in its application have received our consideration and we see no reason why the opinion and order should be vacated and set aside as requested by defendant.

In the light of the whole record, which has been carefully reviewed and reconsidered, we adhere to our original conclusion as to the excessiveness and unreasonableness of the charges complained of.

We see no merit in the application for rehearing.

ORDER DENYING APPLICATION FOR REHEARING

The defendant having, on August 30, 1921, filed an application for rehearing herein, the Commission having reviewed and reconsidered the matters referred to, and being of the opinion that there is no merit in applicant's contention,

IT IS HEREBY ORDERED that application for a rehearing be and the same is hereby denied.

Dated at San Francisco, California, this 23<sup>rd</sup> day of September, 1921.

*R. D. Prundie*  
*H. J. Jordan*  
*Dwight Martin*  
*J. J. [Signature]*  
COMMISSIONERS.