

Decision No. 28027.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

SIGNAL OIL & GAS COMPANY OF
CALIFORNIA,

Complainant,

vs.

PACIFIC ELECTRIC RAILWAY COMPANY
and THE ATCHISON, TOPEKA AND
SANTA FE RAILWAY COMPANY,

Defendants.

Case No. 3504.

ORIGINAL

BY THE COMMISSION:

O P I N I O N

By complaint filed February 14, 1933, as amended it is alleged that the charges assessed and collected on numerous tank carloads of fuel oil transported from Redondo Beach to Corona during the period February 11, 1931, to April 27, 1931, were unjust and unreasonable in violation of Section 13 of the Public Utilities Act. All of the charges were paid during the two-year period immediately preceding the filing of the complaint.

Reparation only is sought. Rates are stated in cents per 100 pounds.

Redondo Beach is on the Pacific Electric Railway Company 20 miles west of Los Angeles; Corona is on The Atchison, Topeka and Santa Fe Railway Company 47 miles east of Los Angeles. Charges were assessed and collected on complainant's shipments on basis of a rate of 9 cents obtained by combining with a rate of 3 cents from Redondo Beach to Los Angeles a rate of 6 cents apply-

ing from Los Angeles to Corona. Complainant contrasts this 9-cent rate with two-line fuel oil rates applying for comparable hauls and alleges that it is unreasonable to the extent it exceeded 7 cents.

Defendants admit the allegations of the complaint and have signified their willingness to make a reparation adjustment, therefore under the issues as they now stand a formal hearing will not be necessary.

Upon consideration of all the facts of record we are of the opinion and find that the assailed rate was unjust and unreasonable to the extent it exceeded 7 cents. We further find that complainant made the shipments as described, paid and bore the charges thereon and is entitled to reparation without interest. Complainant specifically waived the payment of interest.

The exact amount of reparation due is not of record. Complainant will submit to defendants for verification a statement of the shipments made and upon the payment of reparation defendants will notify the Commission the amount thereof. Should it not be possible to reach an agreement as to the reparation award the matter may be referred to the Commission for further attention and the entry of a supplemental order should such be necessary.

O R D E R

This case being at issue upon complaint and answers on file, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion which precedes this order,

IT IS HEREBY ORDERED that defendants, Pacific Electric Railway Company and The Atchison, Topeka and Santa Fe Railway

Company, according as they participated in the transportation, be and they are hereby authorized and directed to refund without interest to complainant Signal Oil and Gas Company of California all charges collected in excess of 7 cents per 100 pounds for the transportation from Redondo Beach to Corona of the shipments of fuel oil involved in this proceeding.

Dated at San Francisco, California, this 5th day of June, 1933.

C. C. Lewis
Leon Whitney
W. H. Lewis
W. B. Lewis
W. H. Lewis
Commissioners.