

Decision No. 26386.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

CALIFORNIA CATTLEMEN'S ASSOCIATION,
ERNEST ROBINETT,

Complainants,

vs.

SOUTHERN PACIFIC COMPANY,

Defendant.

Case No. 3632.

ORIGINAL

BY THE COMMISSION:

O P I N I O N

By complaint filed July 13, 1933, it is alleged that the charges assessed on 13 carloads of hay transported from Tule Lake to Fairport during the period November 17 to December 6, 1932, inclusive, were unjust and unreasonable in violation of Section 13 of the Public Utilities Act.

Waiver of undercharges is sought. Rates are stated in cents per 100 pounds.

Tule Lake is on the main line of the Southern Pacific Company 72 miles north of Alturas. Fairport is on the Lakeview branch 42 miles north of Alturas. Charges were assessed on complainant Ernest Robinett's shipments on basis of a commodity rate of $17\frac{1}{2}$ cents. Complainants allege that this rate is unreasonable to the extent it exceeded $15\frac{1}{2}$ cents which is the volume of a rate applying over the same route from Merrill, Oregon, to Willow Ranch, a distance of 115 miles.

Defendant admits that the rate assessed was unreasonable to the extent it exceeded $15\frac{1}{2}$ cents and has signified its willingness to waive the undercharges, 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 $15\frac{1}{2}$ cents. We further find that complainant Ernest Robinett made the shipments as described and is entitled to relief from the payment of the outstanding undercharges. Defendant should establish for the future a rate not in excess of that herein found reasonable.

ORDER

This case being at issue upon complaint and answer 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 preceding opinion,

IT IS HEREBY ORDERED that defendant Southern Pacific Company be and it is hereby authorized and directed to waive the collection of charges applicable on complainant Ernest Robinett's shipments of hay involved in this proceeding in excess of those which would accrue at a rate of $15\frac{1}{2}$ cents per 100 pounds.

Dated at San Francisco, California, this 2nd day of October, 1933.

Ed Lewis
Leon Whiteley

W. H. ...
M. B. ...

Commissioners.