

Decision No. 28455.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

TRUSCON STEEL COMPANY,)

Complainant. (

vs.) Case No. 3598.

SOUTH COAST STEAMSHIP COMPANY, (

Defendant.)

ORIGINAL

Chas. L. Maxwell, for complainant.

H. Eddis, for defendant.

BY THE COMMISSION:

O P I N I O N

This proceeding involves the collection by defendant of \$210.12 balance due on freight bills against certain shipments of steel rods moved from San Francisco to San Pedro in January, 1933.

Defendant's tariff C.R.C. No. 5, in Item No. 380 makes a rate of 13 $\frac{1}{2}$ ¢ per hundred pounds minimum weight 30,000 pounds on iron and steel articles from San Francisco to San Pedro. The tariff also provides by Rule No. 10 for a plusage of 5¢ per hundred pounds when articles have a length over 30 feet and not over 40 feet, and a plusage of 15¢ per hundred pounds when the articles are over 50 feet and not over 60 feet.

A part of the lading covered by the bills involved consisted of iron having lengths between 30 and 40 feet and between 50 and 60 feet.

In rendering the original freight bills, defendant failed to observe Rule No. 10, and the additional tariff charges of \$210.12 have not been paid by the complainant.

The proceeding was called for hearing before Examiner Geary at San Francisco, September, 26th, 1933, at which time the

representative for complainant announced they had no testimony to introduce and had reached the conclusion that the undercharge bills amounting to \$210.12 should be paid, and requested that the proceeding be dismissed. Representative for the defendant announced that they were willing to publish satisfactory rates for the future.

The Commission has been advised by the South Coast Steamship Company, defendant, that the undercharge bills have been paid.

The issues having been satisfied, we are of the opinion and conclude that the proceeding should be dismissed.

O R D E R

This case having been duly heard and submitted and being now ready for a decision,

IT IS HEREBY ORDERED that the above entitled proceeding be and it is hereby dismissed.

Dated at San Francisco, California, this 23rd day of October, 1933.

C. C. Seavey
Leon Whipple
W. H. Cunn
W. B. Harris
W. H. Martin
Commissioners.