

Decision No. 26914.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

WEBER BAKING COMPANY, LTD.,
a corporation,

Complainant,

vs.

SOUTHERN COUNTRIES GAS COMPANY,
a corporation,

Defendant.

WEBER BAKING COMPANY, LTD.,
a corporation,

Complainant,

vs.

SOUTHERN COUNTRIES GAS COMPANY,
a corporation,

Defendant.

KILPATRICK BAKING COMPANY, LTD.,
a corporation,

Complainant,

vs.

SOUTHERN COUNTRIES GAS COMPANY,
a corporation,

Defendant,

ORIGINAL

Case No. 3516.

Case No. 3517.

Case No. 3518.

Thomas Morris, for the Complainants.

Hunter and Howe, for the Complainants and
for Industrial Power Users' Bureau, Interveners.

Leroy M. Edwards and O. C. Sattinger, by O. C. Sattinger,
for the Defendant.

BY THE COMMISSION:

O P I N I O N

In the three above entitled proceedings, Weber Baking Company, Ltd. and Kilpatrick Baking Company, Ltd., allege that they have been denied the use of certain gas schedules by defendant, as a result of which charges for service have been excessive. They demand service under schedules other than those applied and seek reparation on past charges.

The corporations appearing here as complainants are held in common ownership, and since the relief sought and issues presented in each case are similar, the three matters may be consolidated for decision. Hearings hereon were conducted by Examiner Johnson in Los Angeles on June 6, 1933.

Weber Baking Company, Ltd. has received service from defendant at two plants, one located in Santa Barbara and the other, subsequently shut down, in Santa Ana. Service is rendered to the Santa Barbara plant under defendant's Schedule 5-A-A, applicable to general service to commercial buildings, including bakeries. The Santa Ana plant, until shut down, was served under Schedule 1-C, applicable to commercial and industrial service, including bakeries. Kilpatrick Baking Company, Ltd., also located in Santa Ana, is served under Schedule 1-C. Complainants ask for service under Surplus Industrial Schedules 5-D (Santa Barbara District) and 1-D (Santa Ana District), respectively, each of which specifically excludes bakery service. Defendant has offered and stands ready to serve complainants under the schedules sought for that part of their operations restricted to steam boiler use, but complainants demand the application of such schedules to their entire bakery usage.

Complainants sought to prove discrimination by showing the existence of a differential between the rates applied in defendant's Santa Ana and Santa Barbara districts. There was no evidence that conditions do not justify different rates in the two divisions of defendant's service area. Complainants sought also to show that defendant serves another bakery on a Surplus Industrial Schedule. An examination of this particular bakery account reveals, however, that it is being billed only for steam boiler uses at the surplus industrial rate and, for bakery purposes, is billed under Schedule 3-C, which schedule is specifically applicable to bakeries and is similar to the schedules being applied to complainants' operations.

It is clear that complainants have been properly billed in accordance with defendant's gas schedules, and it is equally clear that their claim of discrimination is without foundation.

O R D E R

Good Cause Appearing,

IT IS HEREBY ORDERED that the above entitled complaints be and they are hereby dismissed.

Dated at San Francisco, California, this 2^d day of April, 1934.

CC. Jensen
Leon Wheeler
M. H. Cur
M. B. Hanna
W. H. Brown
Commissioners.