

Decision No. 27070.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

NOBLE & CO.,

Complainant,

vs.

SOUTHERN PACIFIC CO.,

Defendant.

Case No. 3795.

BY THE COMMISSION:

O P I N I O N

By complaint filed March 2, 1934, it is alleged that the charges assessed and collected on numerous shipments of sheep, in single and double deck cars, transported from Euron and Coalings to South San Francisco and from Truckee, Helm, Stratford, Euron and Olig to Los Angeles during the period March 26, 1932, to August 13, 1932, inclusive, were unjust and unreasonable in violation of Section 13 of the Public Utilities Act to the extent that they exceeded rates based upon the mileage scale prescribed by the Commission in Decision No. 26414 of October 9, 1933, in Woodward-Bennett Packing Company vs. Southern Pacific Company, Case No. 2900, et al. Reparation only is sought.

The points of origin and destination, distances, rates

assessed and those sought are set forth in the following tabulation:

From	To	Distance: Miles	Present Rates	Rates Sought
			In Double Deck Cars (Except as Noted) Per Car	Per 100 pounds
Huron	South San Francisco	243	(93.50 69.50*	38¢ *47½
Coalinga	" " "	258	97.50	38
Truckee	Los Angeles	557	138.00	57
Helm	" "	290	101.00	41
Stratford	" "	274	105.00	40
Huron	" "	282	104.50	41
Olig	" "	219	65.50*	*44

* In single deck cars.

The charges sought by complainant are to be computed on the average invoice hoof weights of all of the shipments from the same origin to the same destination here involved, except that shipments in single deck cars are to be subject to a minimum weight of 12,000 pounds.

Defendant admits the allegations of the complaint and has signified its 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 rates were unjust and unreasonable to the extent they exceeded those sought; we further find that complainant made the shipments as described, paid and bore the charges thereon and is entitled to reparation, together with interest at 6% per annum.

The exact amount of reparation due is not of record. Complainant will submit to defendant for verification a statement of the shipments made and upon the payment of reparation defendant 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 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 opinion which precedes this order,

IT IS HEREBY ORDERED that defendant Southern Pacific Company be and it is hereby authorized and directed to refund to complainant Noble & Co., together with interest at six per cent. (6%) per annum, all charges collected for the transportation of the shipments involved in this proceeding in excess of those that would have accrued on basis of the rates found reasonable in the opinion which precedes this order.

Dated at San Francisco, California, this 21st day of May, 1934.

C. C. Deane
Leon A. Dwyer
W. A. Cunn
M. B. Harris
A. J. [unclear]
Commissioners.