

Decision No. 27300

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ASSOCIATED OIL COMPANY,
Complainant,
vs.
PACIFIC MOTOR TRANSPORT COMPANY,
Defendant.

Case No. 3788.

ORIGINAL

BY THE COMMISSION:

O P I N I O N

Complainant alleges that the charges assessed and collected by defendant on a shipment of 16,411 pounds of petroleum products, in drums, transported from Sacramento to Yreka on January 19, 1934, were unjust and unreasonable in violation of Section 13 of the Public Utilities Act.

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

The shipment involved was received by defendant at its depot at Sacramento and was delivered by it to complainant's place of business at Yreka. Charges were assessed and collected on basis of the fourth class rate of 88 cents named in defendant's Tariff No. 9, C.R.C. No. 13. An allowance of 5 cents was made to complainant for performing the pickup service at Sacramento.

Complainant contends that the charges were unreasonable to the extent they exceeded those available via the joint route of

the Southern Pacific Company and the Yreka Railroad Company, the underlying carriers, plus an additional charge of 5 cents based on the actual weight for delivery of the shipment at Yreka. The record shows that had the shipment been tendered to these lines, charges would have been assessed on basis of a joint carload commodity rate of 41 cents, minimum weight 20,000 pounds, named in Item 115 of Supplement 7 to Southern Pacific Company's Tariff 475-I, C.R.C. 3247, plus 1 cent emergency charge, plus an additional charge based on the actual weight of the shipment at a rate of $2\frac{1}{2}$ cents for car loading at point of origin and $2\frac{1}{2}$ cents for car unloading at destination, named in Rule 15 of the Western Classification, Agent F. W. Gomph's C.R.C. 538. Complainant also contrasts the assailed rate with a rate of 18 cents published by the Southern Pacific Company and one of 23 cents maintained by defendant for the transportation of petroleum lubricating oil from Oakland to Fresno.

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 charges assessed on complainant's shipment were unreasonable to the extent they exceeded those based on a rate of 42 cents, minimum weight 20,000 pounds, plus 5 cents based on the actual weight for car loading and unloading and 5 cents for delivery service at destination. We further find that complainant made the shipment as described, paid and bore the charges thereon and is entitled to reparation without interest. Complainant specifically waived the payment of interest.

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, Pacific Motor Transport Company, be and it is hereby authorized and directed to refund without interest to complainant, Associated Oil Company, all charges collected in excess of those found reasonable in the opinion which precedes this order, for the transportation from Sacramento to Yreka of the shipment of petroleum products involved in this proceeding.

Dated at San Francisco, California, this 27th day of August, 1934.

Leon Whitney

M. A. Carr

M. B. Harris

Walter H. ...

Commissioners.