

Decision No. 27445.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

HAMPTON LIVESTOCK COMMISSION
COMPANY,)
Complainant,)
vs.)
SOUTHERN PACIFIC COMPANY,)
Defendant.)

Case No. 3841.

ORIGINAL

BY THE COMMISSION:

O P I N I O N

By complaint filed May 21, 1934, and as amended, it is alleged that the charges assessed and collected on numerous shipments of sheep transported by defendant from Westhaven, Stratford, Mendota, Adela, Nelson, Tipton, Williams, Huron, Red Bluff, Stirling City and Jasmin to Los Angeles during the period June 7, 1932, to and including August 16, 1933, were unjust and unreasonable in violation of Section 13 of the Public Utilities Act.

Reparation only is sought.

The movements here in issue are similar to those involved in Case 2900, Woodward-Bennett Packing Company et al. vs. Southern Pacific Company et al. In that proceeding the Commission found that the applicable charges were unreasonable to the extent they exceeded those that would have accrued on basis of rates prescribed in the decision. Reparation was awarded with interest, and rates established for the future. It is on the basis of the rates established in that

proceeding that complainant here seeks reparation.

Defendant admits the allegation 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 rates assessed and collected for the transportation of complainant's shipments of sheep from Westhaven, Stratford, Mendota, Adela, Nelson, Tipton, Williams, Euron, Red Bluff, Stirling City and Jasmin to Los Angeles were unjust and unreasonable to the extent they exceeded those established in Case 2900, supra; that complainant made the shipments 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 Southern Pacific Company be and it is hereby authorized and directed to refund to complainant Hampton Livestock Commission Company, without interest, all charges collected in excess of those that would have accrued on basis of the rates found reasonable in the opinion which precedes this order for the transportation of the shipments of sheep involved in this proceeding.

Dated at San Francisco, California, this 15th day of October, 1934.

Iron Overhead
W. B. Harris
Frank R. ...
Commissioners.