

Decision No. 27486.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

A. LEVY & J. ZENTNER CO.  
SUNSET PRODUCE CO.  
VALLEY PRODUCE CO.  
RICKETT PRODUCE CO.  
De BACK & CO.  
JOHN DEMARTINI CO. INC.  
L. J. HOPKINS COMPANY  
TRIANGLE PRODUCE CO.  
HALF MOON FRUIT & PRODUCE CO.

Complainants,

vs.

SOUTHERN PACIFIC COMPANY,  
a corporation,

Defendant.

ORIGINAL

Case No. 3515.

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

Upon petition filed by defendant a rehearing of Decision 26948 of April 16, 1934, in the above entitled proceeding was granted in so far as a determination of the territory embraced in the decision and the question of the Commission's jurisdiction to award reparation on shipments moving pendente lite were concerned. This rehearing was to be had at San Francisco October 23, 1934. Prior to that date however the attorneys for complainants and interveners notified the Commission that they desired to withdraw their claim for reparation in so far as it involved shipments not consigned to San Francisco, Oakland and Sacramento and shipments moving pendente lite. They request that the Commission amend Decision 26948 accordingly. By so doing the cause

for the rehearing will be removed. Therefore, good cause appearing,

IT IS HEREBY ORDERED that Decision 26948 of April 16, 1934, in the above entitled proceeding be and it is hereby amended as follows:

1. By changing the first paragraph of the opinion to read as follows:

"Complainants allege that the rates maintained by defendant for the transportation of fresh fruits and vegetables, in carloads, from points on defendant's line south of Banning to and including Colorado and south of Niland to and including Calexico, Westmorland, Sandia and Holtville to San Francisco, Oakland and Sacramento were and are unjust, unreasonable, unduly prejudicial and discriminatory in violation of Sections 13 and 19 of the Public Utilities Act. They seek reparation on all shipments made within the two-year period immediately preceding the filing of the complaint."

2. By amending the last sentence of the second last paragraph of the opinion to read as follows:

"We further find that complainants made certain shipments within the two-year period immediately preceding the filing of this complaint on which they paid the transportation charges and that on them they are entitled to reparation with interest at six (6) per cent. per annum."

3. By changing the second ordering paragraph to read as follows:

"IT IS HEREBY FURTHER ORDERED that defendant Southern Pacific Company be and it is hereby required and directed to refund with interest at six (6) per cent. per annum to complainants and interveners, according as their interests may appear, all charges collected from them for the transportation of the shipments of fresh fruits and vegetables involved in this proceeding on which the cause of action accrued within the two-year period immediately preceding the filing of the complaint in excess of those found reasonable in the opinion which precedes this order."

IT IS HEREBY FURTHER ORDERED that in all other respects Decision 26948 of April 16, 1934, remain in full force and effect.

Dated at San Francisco, California, this 24<sup>th</sup> day of October, 1934.

Leon A. White  
W. B. Harris  
W. B. Harris  
W. B. Harris  
Commissioners./