

Decision No. 27569.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

OLIVER GOLDBLATT, doing business
under the fictitious name and style
of R. ROSENBERG & SONS,

Complainant,

vs.

SOUTHERN PACIFIC COMPANY,

Defendant.

Case No. 3809.

ORIGINAL

BY THE COMMISSION:

O P I N I O N

Complainant alleges that the charges assessed and collected by defendant for the transportation of various carload shipments of scrap iron, steel, scrap lead, scrap metals, all having value for remelting purposes only, rags and mixed junk from Sacramento to Pittsburg, Oakland, Selby and San Francisco during the two-year period immediately preceding the filing of the complaint, were unjust and unreasonable in violation of the Public Utilities Act.

Reparation only is sought. Rates will be stated in cents per 100 pounds. The matter was submitted on the so-called shortened procedure plan.

The applicable rates, those sought and the distances involved, as well as the rates and distances from Stockton, are as follows:

Commodity	To	From Sacramento			From Stockton					
		Rate Applicable					Dis- tance	Rate Sought		
Scrap Iron & Steel	Pittsburg	a	b	c	d	e	p	f	g	
		10½	9	8	7	6½	72	7-5	53	6½
Scrap Iron & Steel	San Francisco	h	i	j	k		93	f	r	7
		11	10	9	8½			7	92	
Mixed Scrap Met- als, Rags	San Francisco	l	m				93	f		7
		14	9					7	92	
Bones	San Francisco		f				93	f		7
			8					7	92	
Scrap Lead	Selby	n	o				64	f		6
		10½	9					7	75	

Rates equal to those to San Francisco are sought to Oakland.

a	Effective	Nov. 30, 1931,	minimum	40,000	lbs.	
b	"	Aug. 30, 1932,	"	60,000	"	Eff. Oct. 17, 1933, minimum 40,000 lbs.
c	"	Jan. 15, 1933,	"	"	"	
d	"	Apr. 4, 1933,	"	"	"	
e	"	Oct. 17, 1933,	"	"	"	
f	"	July 1, 1922,	"	30,000	"	
g	"	Aug. 30, 1932,	"	60,000	"	
h	"	July 1, 1922,	"	40,000	"	
i	"	Jan. 15, 1933,	"	60,000	"	
j	"	Apr. 4, 1933,	"	"	"	Eff. Oct. 17, 1933, minimum 40,000 lbs.
k	"	Oct. 17, 1933,	"	"	"	
l	"	July 1, 1922,	"	30,000	"	
m	"	Oct. 17, 1933,	"	40,000	"	
n	"	Sept. 1, 1922,	"	36,000	"	
o	"	Aug. 25, 1933,	"	40,000	"	
p	Short line distance via S.N.R.R. 50 miles.					
q	"	"	"	"	"	A.T. & S.F. Ry. 35 miles.
r	"	"	"	"	"	78 "

Complainant rests its case upon a showing that the ton mile earnings on its shipments are higher than those on similar shipments from Stockton but failed to show that the rates in effect from Stockton are maximum reasonable rates. On the contrary the preponderance of evidence leads to the conclusion that the Stockton rates are depressed because of water and truck competition. It is a well established principle that a mere comparison of low rates with rates under attack does not prove that

the higher ones are unreasonable unless it is shown that the rates used for comparative purposes are in and of themselves reasonable rates. Complainant makes no allegation of preference and prejudice or unlawful discrimination. The complaint will be dismissed.

O R D E R

This case being at issue upon complaint, and the Commission being fully advised in the matter,

IT IS HEREBY ORDERED that the above entitled proceeding be and it is hereby dismissed.

Dated at San Francisco, California, this 3rd day of November, 1934.

Leon A. White

W. H. Am

W. B. Harris

Walter Moore

Frank R. Allen

Commissioners.