

No. 2146.
NORTHERN ANTHRACITE COAL COMPANY
v.
DELAWARE, LACKAWANNA & WESTERN RAILROAD
COMPANY.

Submitted November 1, 1910. Decided November 14, 1910.

Defendant's present separately established rates per gross ton for the transportation of semianthracite coal, originating at Bernice, Pa., from Waverly, N. Y., to Binghamton, N. Y., found unreasonable, and reasonable rates prescribed for the future.

R. W. Rymer, M. J. Murray, jr., and M. J. Martin for complainant.
J. L. Seager, Douglas Swift, and A. S. Learoyd for defendant.

REPORT OF THE COMMISSION.

CLEMENTS, *Commissioner*:

This case presents the question of reasonableness of defendant's separately established rate of 75 cents per gross ton for the transportation from Waverly, N. Y., to Binghamton, N. Y., of carload shipments of semianthracite coal originating at Bernice, Pa.

Complainant operates a coal mine at Murray, about 3½ miles from Bernice, from which last-named point the Lehigh Valley Railroad Company maintains a switch connection to the mine. It is 47 miles from Bernice to Waverly, where coal from complainant's mine destined to Binghamton is turned over to the defendant railroad, which is the delivering line. The proportional rates of the Lehigh Valley from Bernice to Waverly are 75 cents on prepared sizes and 60 cents on pea and buckwheat sizes and screenings per gross ton. These rates include the haul from the mine to Bernice over a stretch of road having many sharp curves and heavy grades. The Lehigh Valley delivers the coal on a switch siding of the Delaware, Lackawanna & Western at Waverly, from which point to Binghamton the distance is 39 miles, and for the haul from Waverly to Binghamton defendant's separately established proportional rate is, as above stated, 75 cents per gross ton on all sizes of coal and is the same to all stations between Waverly and Binghamton.

The bulk of the shipments is of the pea and buckwheat sizes and screenings, upon which 60 cents is the separately established proportional rate of the Lehigh Valley from Bernice to Waverly. The

19 I. C. C. Rep.

total charge, therefore, on coal of these sizes from Bernice to Binghamton is \$1.35. The local rate of the Lehigh Valley from Bernice to Waverly is \$1.15 on prepared sizes and \$1 on pea and buckwheat sizes and screenings, and the local rate from Waverly to Binghamton by defendant's lines is \$1.23 on all sizes.

This coal is a semianthracite and is much more friable than either genuine anthracite or bituminous coal. About 45 per cent of the output of the mine is screenings. The larger sizes of this coal enter into competition with genuine anthracite, while the screenings are sold in competition with bituminous coal. The delivered prices at Binghamton vary from \$2.35 to \$3 per ton and are usually from 50 cents to \$1.25 less than that of the genuine anthracite. Anthracite proper sells delivered at Binghamton for about \$5.80 a ton, while the semianthracite in the prepared sizes sells for about \$4.80. The screenings sell for about \$2.10, while the bituminous slack sells for about \$2.30. In order to use the semianthracite screenings for steam purposes about two parts thereof are mixed with one of bituminous slack.

From Blossburg, Pa., to Binghamton, N. Y., via the Erie, Elmira, and the Delaware, Lackawanna & Western Railroad, a distance of 103 miles, the rate on bituminous coal is 95 cents, and for Delaware, Lackawanna & Western delivery via the Erie, a distance of 104 miles, the rate is 75 cents. Some of the coal from complainant's mine reaches Binghamton via the Lehigh Valley and the Erie, the total charges being the same as when the traffic moves over the Lehigh Valley and the Delaware, Lackawanna & Western, but the rates neither of the Erie nor of the Lehigh Valley are complained against in this proceeding.

It is the finding and conclusion of the Commission upon consideration of all the facts, circumstances, and conditions appearing that the defendants' separately established rate of 75 cents per gross ton for the movement of the traffic here involved from Waverly to Binghamton, N. Y., is unreasonable and unjust and that the same results in the exaction of unreasonable charges for the through transportation of coal from Bernice to Binghamton. It is our further finding and conclusion that the said rate of 75 cents is unjust and unreasonable to the extent that the same exceeds 65 cents per gross ton on prepared sizes of the coal in question, and 55 cents on the sizes designated as pea, buckwheat, and smaller sizes, including screenings, and that the future maximum rates to be charged shall not exceed those last-above indicated.

An order will be entered in accordance with these findings and conclusions.

19 I. C. C. Rep.