

No. 4792.  
PLYMOUTH COAL COMPANY  
*v.*  
PENNSYLVANIA RAILROAD COMPANY ET AL.

No. 4792 (Sub-No. 1).  
PLYMOUTH COAL COMPANY  
*v.*  
DELAWARE, LACKAWANNA & WESTERN RAILROAD  
COMPANY.

*Submitted April 8, 1914. Decided December 27, 1915.*

Upon complaint that rates applying upon anthracite coal in carloads from Plymouth and Luzerne, Pa., to South Amboy and Hoboken, N. J., f. o. b. vessels for transshipment are unreasonable; *Held:*

1. Reasonable rates for the future will be secured complainants by the order entered in *Rates for Transportation of Anthracite Coal*, 35 I. C. C., 220.
2. Question of reparation held in abeyance for determination in a supplemental report.

*R. D. Jenks* and *W. A. Glasgow, jr.*, for complainant.

*J. L. Seager* for Delaware, Lackawanna & Western Railroad Company.

*G. S. Patterson* for Pennsylvania Railroad Company and Northern Central Railway Company.

REPORT OF THE COMMISSION.

HALL, *Commissioner:*

Complainant is a corporation engaged in mining and selling anthracite coal, with mines at Plymouth and Luzerne, in the Wyoming coal region of Pennsylvania, known respectively as the Dodson colliery and the Black Diamond colliery. By two complaints, filed April 8, 1912, it attacks as unjust and unreasonable the rates charged for the transportation in carloads of anthracite coal from those collieries to tidewater, and claims reparation. That in Docket 4792 is against the Delaware, Lackawanna & Western Railroad Company, hereinafter termed the Lackawanna, the Pennsylvania Railroad Company, and the Northern Central Railway Company, and is based on the joint rates charged by those carriers for such transportation to South Amboy, N. J., f. o. b. vessels for transshipment; while the complaint

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in Docket No. 4792 (Sub-No. 1) is against the Lackawanna alone and has to do with its rates for such transportation to New York lighterage station, Hoboken, N. J., f. o. b. vessels.

All rates in this report are stated in dollars and cents per gross ton of 2,240 pounds.

The rates in question, and the distances over the different routes, are as follows:

From—	To—	Route.	Dis- tance.	Pre- pared sizes.	Pea.	Buck- wheat.	Small- er than pea.
Plymouth, Pa. (Dod- son colliery).	Hoboken, N. J. ....	Lackawanna (via cut-off).	<i>Miles.</i> 153.4	\$1.58	\$1.43	\$1.28	.....
Luzerne, Pa. (Black Diamond colliery).	do. ....	do. ....	149.1	1.58	1.43	1.28	.....
Plymouth, Pa. (Dod- son colliery).	South Amboy, N. J..	Lackawanna, Penn- sylvania, Northern Central.	280	1.55	1.40	.....	\$1.25
Luzerne, Pa. (Black Diamond colliery).	do. ....	do. ....	284	1.55	1.40	.....	1.25

Both collieries are on the Bloomsburg branch of the Lackawanna. Plymouth is 4 miles south of Luzerne and Luzerne 13 miles south of Taylor, Pa., which is also in the Wyoming coal region.

In *Marian Coal Co. v. D., L. & W. R. R. Co.*, 24 I. C. C., 140, decided June 8, 1912, the Commission prescribed as reasonable the following maximum rates from Taylor to Hoboken via the Lackawanna:

	Per gross ton.
On prepared sizes.....	\$1.33
On pea.....	1.24
On buckwheat.....	1.09

The distance over the Lackawanna via its cut-off from Taylor to Hoboken is 136.2 miles.

In *Meeker & Co. v. L. V. R. R. Co.*, 21 I. C. C., 129, decided June 8, 1911, the Commission found the rates of the Lehigh Valley Railroad from the Wyoming region to tidewater at Perth Amboy, N. J., to be unreasonable and prescribed as reasonable maximum rates for the future the following:

	Per gross ton.
On prepared sizes.....	\$1.40
On pea.....	1.30
On buckwheat.....	1.15

The distance from Luzerne to Perth Amboy via the Lehigh Valley Railroad is 165 miles.

Coal transported from complainant's collieries to tidewater at Hoboken over the Lackawanna moves on the Lackawanna's Bloomsburg branch to Taylor and thence over the same tracks and under exactly the same operating conditions as does coal originating at

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Taylor. If to tidewater at South Amboy, the coal is removed from complainant's collieries by Lackawanna locomotives and delivered to the Pennsylvania Railroad at Nanticoke, about 6 miles south of the collieries. From this point it moves over the Pennsylvania system via Sunbury, Harrisburg, and Morrisville, Pa., to South Amboy, a total distance of approximately 285 miles.

Complainant contends that the *Meeker* and *Marian cases, supra*, conclusively demonstrate the unreasonableness of the rates here attacked. The circumstances surrounding the transportation of coal from complainant's collieries and from the collieries considered in the *Meeker* and *Marian cases* are substantially similar.

Since the submission of the present case the Commission has concluded an exhaustive investigation into the reasonableness of the rates, practices, rules, and regulations governing the transportation of anthracite coal from the coal regions of Pennsylvania to various points in official classification territory. *Rates for Transportation of Anthracite Coal*, 35 I. C. C., 220. By the order entered in that case reasonable maximum rates were prescribed for the transportation of anthracite coal from points in the Wyoming region on the lines of the defendants herein to the various tidewater ports for reshipment by water. Nothing has been shown in the present case to call for any modification of that order which assures to complainant reasonable rates for the future.

There remains the complainant's claim for reparation. We are of opinion that in passing upon this issue consideration should be had of matters such as were put in evidence in the *Anthracite case, supra*. Moreover, the parties agreed at the hearing that evidence bearing on the amount of reparation, if any, should be deferred pending determination of the issue of reasonableness.

Further hearing will be had accordingly, and meantime no order will be entered.

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