

No. 9052.

LEHIGH VALLEY COAL SALES COMPANY

v.

LEHIGH VALLEY RAILROAD COMPANY.

Submitted May 14, 1917. Decided January 7, 1919.

Following *Delaware, Lackawanna & Western Coal Co. v. R. R. Co.*, 46 I. C. C., 506, 49 I. C. C., 203, claims for reparation on anthracite coal, in carloads, from points on the Lehigh Valley Railroad in the Wyoming, Lehigh, and Schuylkill anthracite coal regions in Pennsylvania, to certain interstate points on the Lehigh Valley Railroad denied. Complaint dismissed.

Nicholas W. Hacker for complainant.

Stewart C. Pratt and *E. H. Boles* for defendant.

REPORT OF THE COMMISSION.

By the COMMISSION:

The complainant herein seeks reparation for alleged unreasonable rates charged by defendant on anthracite coal, in carloads, shipped between May 1, 1914, and April 1, 1916, from points in the Wyoming, Lehigh, and Schuylkill regions in Pennsylvania to points in New York, New Jersey, and Pennsylvania. Some of the shipments to points in Pennsylvania moved over intrastate routes, and therefore are not within our jurisdiction.

In *Rates for Transportation of Anthracite Coal*, 35 I. C. C., 220, hereinafter termed the *Anthracite Case*, we found that the rates then in effect on anthracite coal, in carloads, from points in the Wyoming, Lehigh, and Schuylkill regions in Pennsylvania to many interstate destinations, including tidewater points, were unreasonable, and prescribed reasonable maximum rates for the future. The new rates became effective April 1, 1916. Prior to that date the complainant made numerous shipments of anthracite coal over defendant's lines from points in the Wyoming, Lehigh, and Schuylkill regions to tidewater for transshipment by water, and to interior points, and paid the rates found to be unreasonable in the *Anthracite Case*. It is contended that the rates charged prior to April 1, 1916, were unreasonable to the extent that they exceeded the rates found reasonable in the *Anthracite Case*.

The same question as to reparation was before us in *Delaware, Lackawanna & Western Coal Co. v. R. R. Co.*, 46 I. C. C., 506; 49 I. C. C., 203, wherein we denied reparation. Following that case, and for the reasons stated therein, reparation is denied here. An order dismissing the complaint will be entered.

52 I. C. C.