

No. 12634.

HEWITT-WILCOX COAL COMPANY ET AL. v. DIRECTOR
GENERAL, AS AGENT, DELAWARE, LACKAWANNA &
WESTERN RAILROAD COMPANY, ET AL.

Submitted March 14, 1922. Decided October 10, 1922.

Joint rates on anthracite coal, in carloads, from Pennsylvania mines to Auburn, N. Y.,
found not unreasonable. Complaint dismissed.

D. J. Sims for complainants.

Walter J. Larrabee for defendants.

REPORT OF THE COMMISSION.

DIVISION 3, COMMISSIONERS HALL, EASTMAN, CAMPBELL, AND COX.
BY DIVISION 3:

No exceptions were filed to the report proposed by the examiner.

Complainants, retail coal dealers at Auburn, N. Y., allege that the joint rates of the Delaware, Lackawanna & Western, hereinafter called the Lackawanna, and the New York Central on anthracite coal, in carloads, from mines on the Lackawanna in Pennsylvania, to Auburn by way of Syracuse, N. Y., are unreasonable. We are asked to prescribe just and reasonable rates. The prayer for reparation was withdrawn. Rates will be stated in amounts per gross ton.

Auburn is on the Lehigh Valley and the New York Central, 27 miles west of Syracuse. Complainants' yards are on the New York Central. Coal from the Pennsylvania anthracite fields moves to Auburn over the direct line of the Lehigh Valley and over the Lackawanna to Syracuse and the New York Central beyond. Practically the entire supply obtained by complainants is from mines on the Lackawanna and moves through Syracuse. The distances given from Kingston, Pa., a representative point in the anthracite region are 155 miles to Syracuse and 182 miles to Auburn.

The following table shows the rates in effect to Auburn and to Syracuse since prior to April 1, 1916, except for the general reduction of 1922:

73 I. C. C.

	Lehigh Valley local rates to Auburn.		Lackawanna local rates to Syracuse.		Lackawanna-New York Central joint rates to Auburn.	
	On prepared sizes.	On smaller sizes.	On prepared sizes.	On smaller sizes.	On prepared sizes.	On smaller sizes.
Prior to Apr. 1, 1916.....	\$1.90	\$1.65	\$1.90	\$1.65	\$2.00	\$1.75
Effective Apr. 1, 1916.....	1.90	1.65	1.65	1.36	2.00	1.75
Effective Apr. 1, 1918.....	2.05	1.80	1.80	1.51	2.15	1.90
Effective June 25, 1918.....	2.50	2.10	2.10	1.80	2.60	2.20
Effective Aug. 26, 1920.....	3.50	2.94	2.94	2.52	3.64	3.08
Effective Nov. 1, 1921 ¹	3.36	2.94	2.94	2.52	3.36	2.94

¹ Reduction made pursuant to our order in *Rates for Transportation of Anthracite Coal*, 35 I. C. C., 220.

² Subsequent to the hearing.

The joint rates assailed are blanketed to New York Central stations up to 130 miles west of Syracuse. Complainants urge that to Auburn they should not exceed the local rates to Syracuse by more than 25 cents. They refer to local rates prescribed in *Rates for Transportation of Anthracite Coal*, *supra*, to Lehigh Valley points throughout central New York as tending to show that the rates in issue are unreasonable. Our investigation in that proceeding embraced only local rates of the various carriers; the joint rates to Auburn were not affected and remained higher than the local rates until November 1, 1921, when they were made the same.

Defendants assert that the Syracuse rates are subnormal and refer to rates of \$1.96 to Binghamton, N. Y., 76 miles; \$2.94 to Cortland, N. Y., 119 miles; and \$3.50 to Oswego, N. Y., 190 miles. They stated their intention, in connection with a proposed general readjustment of rates on anthracite coal to central New York points, to increase the local rates to Syracuse to \$3.22 and \$2.80 on prepared and smaller sizes, respectively, and to reduce the rates to Auburn, both local and joint, to \$3.36 and \$2.94 on the respective sizes. In *Anthracite Coal to New York Stations*, 63 I. C. C., 193, decided since the hearing herein, the increases thus proposed were found not justified.

The allegation of unreasonableness is predicated primarily upon a comparison of the joint rates to Auburn with the local rates to Syracuse. Upon an average carload of 40 tons from Kingston to Auburn the rate on prepared sizes, \$3.36, yields \$134.40 per car, 74 cents per car-mile and about 18.5 mills per gross ton-mile; on a like shipment to Syracuse the local rate of \$2.94 yields \$117.60 per car, 76 cents per car-mile, and approximately 19 mills per gross ton-mile.

The same issue, among others, was considered in *Goss v. Director General*, 58 I. C. C., 169, to which these complainants and defendants were parties. We there found that the evidence submitted did not sustain the allegation of unreasonableness.

Upon this record we find that the rates assailed are not unreasonable. The complaint will be dismissed.