

No. 13245.

J. L. SHULTZ & COMPANY, INCORPORATED, ET AL. v.  
DIRECTOR GENERAL, AS AGENT, LEHIGH VALLEY  
RAILROAD COMPANY, ET AL.

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*Submitted April 3, 1922. Decided October 10, 1922.*

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Rates on coal from the anthracite region in eastern Pennsylvania to Skaneateles, Rose Hill, and Marcellus, N. Y., found not unreasonable or otherwise unlawful. Complaint dismissed.

*D. J. Sims* for complainants.

*Royal McKenna* and *E. H. Burgess* 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 are retail coal dealers at Skaneateles, Rose Hill, and Marcellus, N. Y. They allege that during the statutory period prior to May 17, 1919, the rates on prepared sizes of coal, in carloads, from the anthracite region in eastern Pennsylvania to the points named were unreasonable, unduly prejudicial, and in violation of the long-and-short-haul provision of the act to regulate commerce. The prayer is for reparation. Rates will be stated in amounts per gross ton.

Skaneateles and Rose Hill are on the Skaneateles Railroad, 5 miles long, connecting with the New York Central at Skaneateles Junction, N. Y. Marcellus is on the Marcellus & Otisco, about 9.5 miles long, connecting with the New York Central at Martisco, N. Y. The shipments originated at mines on the Lehigh Valley and moved over that road to Auburn, N. Y., the New York Central to the junction points named, and the respective short lines beyond. The rates charged and applicable were combinations composed of joint rates to Skaneateles Junction and Martisco, and local rates beyond. Complainants assail the through rates to the extent that the factors up to Skaneateles Junction and Martisco exceeded the contemporaneous rates to Syracuse, N. Y., a farther distant point.

The following table shows the rates during the period covered by the complaint and the distances from Wilkes-Barre, Pa., a repre-

sentative point of origin, to Skaneateles Junction, Martisco, and Syracuse:

To—	Distance.	Dec. 15, 1914.	Apr. 1, 1918.	June 25, 1918.	May 17, 1919.
	<i>Miles.</i>				
Skaneateles Junction.....	197	\$2. 00	\$2. 15	\$2. 60	\$2. 50
Martisco.....	204	2. 00	2. 15	2. 60	2. 50
Syracuse.....	<sup>1</sup> 211	1. 90	2. 05	2. 50	2. 50

<sup>1</sup> Via Weedsport, N. Y.

Complainants rely solely on the fact that a lower rate was applicable to Syracuse than to Skaneateles Junction and Martisco. The lower rate to Syracuse applied only through Weedsport, and not through Skaneateles Junction and Martisco, and was therefore not violative of the fourth section. It was testified for the director general that the reduction in the rate to the latter points from \$2.60 to \$2.50 on May 17, 1919, was made under a misapprehension that a violation of the fourth section existed. The rate of \$2.60 compares favorably with rates contemporaneously maintained from the anthracite region in eastern Pennsylvania to numerous points in official territory. From June 25, 1918, until after these shipments moved this rate applied to Skaneateles Junction and Martisco from all anthracite mines in eastern Pennsylvania on the Delaware & Hudson, Delaware, Lackawanna & Western, Erie, Ontario & Western, and Pennsylvania, as well as the Lehigh Valley. The evidence indicates that it was in line with many other contemporaneous rates under which a large volume of coal moved in the same general territory under substantially similar circumstances of transportation.

We find that the rates assailed were not unreasonable or otherwise unlawful. The complaint will be dismissed.

73 I. C. C.