No. 23980[1]

DELAWARE, LACKAWANNA & WESTERN COAL COMPANY *v.* CENTRAL RAILROAD COMPANY OF NEW JERSEY ET AL.

Submitted February 18, 1932. Decided May 28, 1932

Rates on anthracite coal from mines in the Lehigh and Wyoming regions in Pennsylvania to destinations on the Baltimore and Ohio Railroad in Delaware, Maryland, Virginia, West Virginia, and the District of Columbia found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates or basis of rates prescribed.

John J. Hickey for complainants.
Edwin A. Lucas and *C. R. Marshall* for interveners.
W. I. Woodcock, jr., for Reading Company.

REPORT OF THE COMMISSION

DIVISION 2, COMMISSIONERS AITCHISON, PORTER, AND TATE

PORTER, *Chairman*:

Exceptions to the report proposed by the examiner were filed by defendants, to which complainants replied, and the issues were orally argued. Our conclusions differ somewhat from those recommended by the examiner.

Complainants are corporations engaged in buying and selling coal. By complaint filed October 22, 1930, as amended, complainant in the title case alleges that the rates on anthracite coal, in carloads, from one mine in the Lehigh region and eight mines in the Wyoming region in Pennsylvania served by the Central Railroad Company of New Jersey, hereinafter called the Central of New Jersey, to destinations on the lines of the Baltimore and Ohio Railroad Company south of and including Carpenter, Del., and north of and including Capon Road, Va., embracing also points on the branch of the Baltimore & Ohio extending from Wilmington, Del., to Landenberg, Pa., are unreasonable and unduly prejudicial.

By complaint filed December 3, 1930, as amended, complainant in the subnumber alleges that the rates on anthracite coal, in car-

[1] This report also embraces No. 23980 (Sub-No. 1), Lehigh Valley Coal Sales Company *v.* Lehigh Valley Railroad Company et al.

loads, from 12 mines in the Lehigh region and 9 mines in the Wyoming region served by the Lehigh Valley Railroad Company to the same destinations are unreasonable and unduly prejudicial.

Both complainants ask us to prescribe from the Lehigh and Wyoming regions to the destinations specified the same rates as apply from mines in the Schuylkill region served by the Reading Company to those destinations. The rates from the mines on the Reading are alleged to be unduly preferential. The Jeddo-Highland Coal Company and the Hazlebrook Coal Company, corporations, engaged in the production of anthracite coal from seven mines in the Lehigh region in the vicinity of mines from which complainants ship and from mines in the Schuylkill region, intervened. They make the same allegations as complainants and ask for the same relief. The Baltimore Coal Exchange also intervened, but offered no evidence. Rates and differences in rates will be stated in amounts per ton of 2,240 pounds, and are those applicable on prepared sizes, except as noted. They do not include the emergency charges authorized in Ex parte 103, the Fifteen Per Cent Case, 1931.

Only four carriers are named as defendants. The Lehigh Valley in its answer admits that the rates assailed from regions on its line are unreasonable and unduly prejudicial to complainants, but disclaims responsibility therefor and states that it is willing to establish the rates sought. The Central of New Jersey and Baltimore & Ohio made no answer. The Reading is the only defendant that entered an appearance. It appeared in defense of the present adjustment.

The Schuylkill is the most southerly region in the anthracite field. The Lehigh is north thereof and overlaps the Schuylkill, and the Wyoming is northeast of the Lehigh region. Mines on the Reading are in the Schuylkill and those on the Lehigh Valley and Central of New Jersey in both the Lehigh and Wyoming regions. The boundaries of these regions are fixed by the tariffs of the carriers serving them and not by geographical formations or the character of the coal contained therein. Speaking generally, the anthracite produced in the Schuylkill and Wyoming regions is free-burning and medium free-burning coal, while the major portion of that produced in the Lehigh region is slow-burning coal. This is not uniformly true, for some of the Lehigh coal is substantially the same as that produced in the other regions. This is especially true of the overlapping sections of the Schuylkill and Lehigh regions where the same seam extends into and yields identical coal in both regions.

The Baltimore & Ohio has no direct connection with either the Lehigh Valley or the Central of New Jersey and does not reach

the anthracite fields by its own rails. The Reading is the intermediate carrier. It has three practical interchanges with each of the originating carriers, namely, at Quakake, East Penn Junction, and Bethlehem, Pa., with the Lehigh Valley, and at Bethlehem, Haucks, and Allentown, Pa., with the Central of New Jersey. Quakake is in the overlapping sections of the Schuylkill and Lehigh regions, and Haucks is similarly located 2 miles south thereof. Both East Penn Junction and Allentown are in the city of Allentown. Bethlehem is 4 miles east of Allentown.

Traffic for delivery by the Baltimore & Ohio at Carpenter, which is 7 miles north of Wilmington, or at points south thereof, interchanged at Quakake or Haucks, moves via Tamaqua, Port Clinton, Reading, and Perkiomen Junction, Pa., to Park Junction (Philadelphia), Pa., where it is turned over to the Baltimore & Ohio. The Reading has a heavy-duty 3-track and 4-track line from Tamaqua and St. Clair, Pa., to Port Clinton and from Port Clinton to Park Junction. Anthracite from the Schuylkill region for both domestic use and transshipment at Philadelphia and New York, N. Y., moves over these tracks almost daily in solid trains of about 120 cars. From both Tamaqua and St. Clair the grade is downward for the entire distance.

If the traffic is interchanged at East Penn Junction or Allentown it moves over the Perkiomen single-track branch of the Reading to Perkiomen Junction, thence over the main line to Park Junction. Bridges on this branch preclude the use of the heaviest engines owned by this defendant. The branch has about 16.2 miles of curved track, the curves ranging from 6° to 8°. Pusher engines are used from Allentown to Dillinger, Pa., 10 miles, because of adverse grades, the maximum of which is 0.87 per cent, over which one engine can handle only 950 tons. Beyond Dillinger the haul is down grade to Park Junction, but between Dillinger and Perkiomen Junction, 32.7 miles, the curves limit the number of cars which can be handled in a train to 60.

If the traffic is interchanged at Bethlehem it moves over the Bethlehem branch through Quakertown, Lansdale, and Jenkintown, Pa., to the Erie Avenue yard in Philadelphia. This is a double-track line. The ruling adverse grades southbound are 1 per cent, 0.5 to 1.06 per cent for 8 miles, and 0.71 per cent for 2.5 miles. The bridge capacities and clearance conditions on this branch will not permit the use of engines which can handle more than 1,600 tons southbound. From Erie Avenue yard this traffic moves to Fairhill Junction, Pa., where it is made up into trains and then switched to Park Junction. The section of Philadelphia thus traversed is more

congested than the section through which moves the traffic via Perkiomen Junction.

The distances from the several interchange points to Park Junction are from Quakake 105 miles, from Haucks 103 miles, from East Penn Junction 64 miles, from Allentown 63 miles, and from Bethlehem 61 miles.

Anthracite originated by the Lehigh Valley in the Wyoming region interchanged with the Reading at either East Penn Junction or Quakake moves over the double-track line of the Lehigh Valley to Tannery, Pa. From thence to East Penn Junction the line is double-track, except that from Glen Summit, Pa., to East Penn Junction it has four tracks and is down grade. One engine can handle 9,000 tons, or from 105 to 112 cars. From Tannery to Quakake the line is single track with ascending grades the entire distance, and the same engine can haul only 1,250 tons. About 64 per cent of the anthracite originated by the Lehigh Valley is produced in the Lehigh region. Approximately 27 per cent thereof is mined west of Quakake and moves through Quakake to Delano, Pa., 3.5 miles east thereof, where it is separated from the westbound coal. It is then moved to Packerton, Pa., about 15 miles south of Penn Haven Junction, Pa., where it is classified with the coal from the Wyoming region.

Anthracite originated by the Central of New Jersey in the Wyoming region is assembled at Ashley, Pa., and moved to Penobscot, Pa., over a series of three inclined planes by mechanical contrivances powered by a stationary engine, which lift the cars about 1,000 feet. This coal moves over the same tracks from Ashley to Nesquehoning Junction, Pa., 51 miles, whether interchange is to be made at Allentown or Haucks. From Penobscot to Allentown one engine can handle trains of 7,400 tons but, to Haucks, bridge capacities limit a train to 1,000 tons. From Nesquehoning Junction to Allentown the line has two tracks and is down grade, and to Haucks it is double track for 7.5 miles and single track for 8.5 miles, with a maximum adverse grade of 1.54 per cent.

Complainants and defendants arrive at different results in computing distances from mines on the Lehigh Valley and the Central of New Jersey. The principal difference is due to the use by complainants of distances via East Penn Junction, Bethlehem, and Allentown, whereas defendants urge that distances should be computed via Haucks and Quakake. The average distance from mines on the Reading to Park Junction is 111 miles. Average distances submitted by complainants from mines on the Lehigh Valley and Central of New Jersey via the various junction points to Park Junction are as follows:

	From Lehigh Valley mines			From Central of New Jersey mines		
	Wyoming	Lehigh	Combined	Wyoming	Lehigh	Combined
	Miles	*Miles*	*Miles*	*Miles*	*Miles*	*Miles*
Via Quakake	175	123	143			
Via Haucks				[1] 164	135	150
Via East Penn Junction	159	125	138			
Via Allentown				[1] 138	117	131
Via Bethlehem	157	123	136	[1] 136	115	128

[1] Distances shown are via the planes; over tracks around the planes they are 9 miles longer.

Joint rates apply from origins on the Reading and Lehigh and New England Railroad Company in connection with the Baltimore & Ohio to all of the destinations considered, except Wilmington, to which point local rates only are maintained by the Reading. To destinations on the Baltimore & Ohio south of Wilmington and north to Havre de Grace, Md., the joint rates apply via Elsmere Junction, Del. To destinations north of Wilmington from Carpenter to Concord, Del., inclusive, and to Havre de Grace and points south thereof they apply via Park Junction.

There are no joint rates from mines on the Lehigh Valley or Central of New Jersey to the destinations embraced by these complaints for Baltimore & Ohio delivery. The applicable rates are generally made by combination on the various junction points between the originating lines and the Reading or on Park Junction. The combinations on Park Junction will illustrate the rates assailed. They are made up of joint rates applying via East Penn Junction or Allentown to Park Junction and the Baltimore & Ohio's distance rates beyond. The rates so constructed from mines on the Lehigh Valley via East Penn Junction, together with the rates from mines on the Reading, which are the rates here sought by complainants, to representative destinations are shown in the following table:

To—	From Lehigh Valley mines						From Reading mines		
	Lehigh region			Wyoming region					
	Prepared	Pea	Smaller	Prepared	Pea	Smaller	Prepared	Pea	Smaller
Landenberg, Pa	$4.41	$4.15	$4.03	$4.78	$4.41	$4.28	$3.02	$2.52	$2.39
Carpenter, Del	4.04	3.78	3.66	4.41	4.04	3.91	2.77	2.39	2.27
Concord, Del	4.16	3.90	3.78	4.53	4.16	4.03	2.77	2.39	2.27
Havre de Grace, Md	4.67	4.41	4.29	5.04	4.67	4.54	3.02	2.65	2.65
Baltimore, Md	4.79	4.53	4.41	5.16	4.79	4.66	3.02	2.65	2.65
Beltsville, Md	4.92	4.66	4.54	5.29	4.92	4.79	3.28	3.02	2.65
Washington, D. C	5.04	4.78	4.66	5.41	5.04	4.91	3.28	3.02	2.65
Frederick, Md	5.30	5.04	4.92	5.67	5.30	5.17	3.28	3.15	3.15
Weverton, Md	5.30	5.04	4.92	5.67	5.30	5.17	3.53	3.40	3.40
Wadesville, Va	5.42	5.16	5.04	5.79	5.42	5.29	3.78	3.65	3.65
Capon Road, Va	5.55	5.29	5.17	5.92	5.55	5.42	4.16	4.03	4.03

The following table shows the earnings per net ton-mile yielded by the rates sought on prepared sizes for average distances to the groups taking the $3.02 and $3.28 rates from the Reading mines and to other representative destinations. Distances shown from Lehigh Valley and Central of New Jersey mines are based on complainants' distances via East Penn Junction and Allentown, and the longer distances over the tracks around the planes have been used from mines on the Central of New Jersey in the Wyoming region.

	Distance [1]	Rate sought	Lehigh region			Wyoming region		
			Distance	Car-mile earnings [2]	Ton-mile earnings	Distance	Car-mile earnings [2]	Ton-mile earnings
From Lehigh Valley mines:	*Miles*		*Miles*	*Cents*	*Mills*	*Miles*	*Cents*	*Mills*
Group taking $3.02 rate	201	$3.02	215	65.9	12.6	249	56.9	10.8
Group taking $3.28 rate	242	3.28	256	60.1	11.4	290	53	10.1
Wilmington, Del	127	2.77	152	85.5	16.3	186	69.8	13.3
Havre de Grace, Md	171	3.02	185	76.6	14.6	219	64.7	12.3
Baltimore, Md	209	3.02	223	63.5	12.1	257	55.1	10.5
Ellicott City, Md	223	3.28	237	64.9	12.4	271	56.8	10.8
Washington, D. C	249	3.28	263	58.5	11.1	297	51.8	9.9
Frederick, Md	269	3.28	283	54.4	10.4	317	48.5	9.2
Charles Town, W. Va	299	3.53	313	54.7	10.4	347	49.3	9.4
Capon Road, Va	338	4.16	352	55.4	10.6	386	50.5	9.6
From Central of New Jersey mines:								
Group taking $3.02 rate	201	3.02	207	68.5	13	237	59.8	11.3
Group taking $3.28 rate	242	3.28	248	62	11.8	278	55.3	10.5
Wilmington, Del	127	2.77	144	90.2	17.2	174	74.7	14.2
Havre de Grace, Md	171	3.02	177	86.9	16.6	207	74.3	14.2
Baltimore, Md	209	3.02	215	65.9	12.5	245	57.8	11
Ellicott City, Md	223	3.28	229	67.2	12.8	259	59.4	11.3
Washington, D. C	249	3.28	255	60.3	11.5	285	54	10.3
Frederick, Md	269	3.28	275	55.9	10.7	305	50.4	9.6
Charles Town, W. Va	299	3.53	305	56	10.7	335	51	9.7
Capon Road, Va	338	4.16	344	56.7	10.8	374	52	9.9

[1] Average distances from mines on the Reading.
[2] Based on 52.53 tons of 2,000 pounds per car, the average loading of the Reading, Lehigh Valley, and Central of New Jersey for 1929.

In *Anthracite Coal Investigation*, 101 I. C. C. 363, rates of $2.77 on prepared sizes, $2.39 on pea size, and $2.34 on the smaller sizes were prescribed as reasonable to Wilmington from mines on the Reading and the Pennsylvania in the Schuylkill region. These rates are now in effect locally over those two carriers. The rate of $2.77 for 170 miles, the average distance shown in that report, yields 14.5 mills per net ton-mile. The distance shown on this record from the Reading mines to Wilmington is 127 miles, determined by way of Elsmere Junction.

Joint rates of $2.90 on prepared sizes and $2.52 on pea size, or 13 cents higher than the local rates of the Reading, apply from mines on the Lehigh Valley and Central of New Jersey to Wilmington for Pennsylvania delivery. Since the Pennsylvania absorbs the switching charge of the Baltimore & Ohio at Wilmington these rates also apply on shipments delivered by the latter carrier. To destinations on the Pennsylvania south of Wilmington to and including Frederick

Road, Md., 4.5 miles south of Baltimore, the rates from mines on the Lehigh Valley and Central of New Jersey are $3.02 on prepared sizes and $2.65 on pea and smaller sizes, except that rates of $2.39 from the Lehigh region and $2.52 from the Wyoming region apply on sizes smaller than pea to stations north of Havre de Grace. These rates apply on traffic delivered to the Pennsylvania at Phillipsburg, N. J., and are in some instances the same as those in effect from mines on the Reading to the same destinations. They apply for average distances from the Lehigh region of from 186 to 256 miles. The rates of $3.02 and $2.65, with a few exceptions as to the smaller sizes, also apply from mines in the Wyoming region on the Pennsylvania, the Delaware and Hudson Railroad Corporation, and the Delaware, Lackawanna & Western Railroad Company, hereinafter called the Lackawanna, to Maryland points on the Pennsylvania in the vicinity of Baltimore. The Reading maintains a full line of joint rates from its mines to these destinations on the Pennsylvania. To Washington the latter carrier maintains the same rates from mines on its lines in all three regions as are maintained by the Reading from the Schuylkill region.

In support of their contention that the assailed rates are unreasonable, complainants introduced numerous rates on anthracite coal which are substantially lower, differences in distances considered, than the rates assailed. The distances shown in connection with these rates are acknowledged to be materially longer in many instances than the shortest tariff routes. No attempt was made to ascertain the average distances to all points in the several destination groups, the short-line tariff routes, or the average distances over reasonably direct routes. Neither was any evidence introduced with respect to the transportation conditions surrounding the movement under these rates. Necessarily these comparisons are not as forceful as they might be if the missing information indicated were before us.

In *Sussex County Fuel Club* v. *Erie R. Co.*, 167 I. C. C. 193, a rate of $2.39 on prepared sizes was prescribed from mines on the Reading, via Allentown, Central of New Jersey to Easton, Pa., and the lines of the Lehigh and Hudson River Railway Company beyond, to seven destinations from Andover to Vernon, inclusive, in northeastern New Jersey, for distances ranging from 142 to 163 miles, and a rate of $2.14 from mines in the Schuylkill, Lehigh, and Wyoming regions, except over the above-mentioned route in connection with the Reading, to the same and other destinations in northern New Jersey, for distances of from 87 to 130 miles.

In *Central N. J. Coal Exch.* v. *Central R. Co. of N. J.*, 167 I. C. C. 723, a rate of $2.39 on prepared sizes was prescribed from mines on the Lehigh Valley and Central of New Jersey in the Lehigh and

Wyoming regions to Trenton, Newark, West Newark, Harrison, and points from Bound Brook to Jersey City, N. J., inclusive, on the Pennsylvania, for an average distance of about 164 miles. The same rate was prescribed to Trenton on the Pennsylvania from mines on the Reading in the Schuylkill region, on the Pennsylvania in the Lehigh and Schuylkill regions, and on the Lehigh Valley and Central of New Jersey in the Lehigh and Wyoming regions, but from mines on the Pennsylvania in the Wyoming region the rate prescribed was 13 cents higher, or $2.52. The average distance over the single-line route of the Pennsylvania from the Wyoming region to Trenton is 255 miles, as compared with 153 and 174 miles, respectively, from the Lehigh Valley and Central of New Jersey mines in the same region. For the two distances last given the rate of $2.39 yields net ton-mile earnings of 13.9 and 12.2 mills, respectively.

In *Anthracite Coal Investigation*, 122 I. C. C. 527, a rate of $2.65 was prescribed on prepared sizes to Albany, Troy, Mechanicville, Utica, Syracuse, Geneva, Hornell, and other New York points taking the same rates, from all points in the Wyoming region on the line of each carrier serving that region, except the Central of New Jersey, Lehigh Valley, and Pennsylvania, over all single-line routes, and also over the shortest tariff route to each destination, determined as therein designated, and a rate of $2.88 from all points in the Wyoming, Lehigh, and Schulykill regions generally over joint-line routes. In prescribing those rates we said:

> In prescribing a reasonable basis of rates from the three anthracite regions we have borne in mind the fact that the Wyoming region is the logical source of anthracite coal for delivery at points in the Albany-Utica-Syracuse group. The Lehigh and Schuylkill regions are south of the Wyoming region, and coal from those regions to these destinations over all routes may well take somewhat higher rates than from the Wyoming region over direct routes.

Subsequently, in that proceeding, 132 I. C. C. 419, we approved a reduction, agreed upon by respondents, in the prescribed rate of $2.88 over certain routes from all three regions to $2.65. In *Fiero & Monin* v. *Pennsylvania R. Co.*, 147 I. C. C. 592, it appeared that the rate of $2.65 then applied to the destinations referred to in northern New York for an average distance of 180 miles. In the latter case rates on prepared sizes, maintained by the Pennsylvania, of $2.65 to Elmira, Millport, and Montour Falls, N. Y., 179, 192, and 198 miles, respectively, and $3.15 to other destinations in northern New York, for 210 to 248 miles, were found not unreasonable.

In *Tri-County Coal Dealers' Assn.* v. *Atlantic City R. Co.*, 178 I. C. C. 213, division 4 prescribed rates on prepared sizes of $2.87, $2.97, and $3.08 from the Schuylkill region, and rates 12 or 13 cents higher from the Wyoming and Lehigh regions, to points in southern

New Jersey. Typical of the approximate average distances for which those rates from the Wyoming and Lehigh regions were prescribed are 209 miles to Woodbury, $3; 225 miles to Pedricktown, $3.10; and 239 miles to Bridgeton, $3.20.

Much of the coal produced in the Lehigh and Wyoming regions is, for all practical purposes, identical with the coal produced in Schuylkill region, and the mine prices of similar coals in the three regions are the same. The record leaves no doubt that there is a demand and ready market for this coal in the destination territory, but that the level of the rates assailed precludes its movement from the Lehigh and Wyoming regions. The Reading contends, nevertheless, that there is no public necessity for the joint rates sought and that the mines served by it can adequately supply all demands for anthracite coal at points in the destination territory. It has long been settled law that shippers must be left with the right to determine for themselves where they will trade and even to indulge their whims in such matters if they desire to do so. The law clearly implies "that the rails of an interstate carrier must be open from one end to the other with no restriction whatever except such as naturally flows from the right of the carrier to demand and receive a reasonable compensation for each particular service of transportation." *Rates on Plaster and Gypsum Rock*, 27 I. C. C. 67. A rate adjustment which has a tendency to control the territory from or to which traffic may move has never met with the commission's approval. *Acid from Moundsville*, 85 I. C. C. 149. Any shipper, therefore, has a right to expect transportation of anthracite coal from the mines on the Lehigh Valley and the Central of New Jersey to the points in this destination territory, and to expect it at reasonable and nonprejudicial rates. Indeed, defendants by their tariffs hold themselves out to perform such transportation, for the routes over which the combination rates here assailed apply are now open to through traffic. *Virginian Ry.* v. *United States*, 272 U. S. 658.

The Reading further contends that if joint rates are established they should be made to apply via Quakake and Haucks in order to protect its long haul. Its hauls from Quakake and Haucks are 41 and 40 miles, respectively, longer than from East Penn Junction and Allentown to Park Junction. Quakake, Haucks, Bethlehem, East Penn Junction, and Allentown have been used as interchanges between the Reading and the Lehigh Valley and Central of New Jersey for more than 20 years. As stated, the routes via each of these junctions are now open. Whether or not all of them shall remain open we are not here called upon to determine. The demand here is for reasonable and noprejudicial rates, and we shall leave to

defendants the selection of the route or routes over which such rates are to apply.

Complainants urge that the assailed rates should be no higher than the contemporaneous rates from the Reading mines in the Schuylkill region. On the other hand, the Reading contends that if joint rates are to be prescribed they should be made as much higher than its rates from the Schuylkill region to the same destinations as the joint rates in which it now participates from mines on the Lehigh Valley and Central of New Jersey to Philadelphia are higher than its local rates to that point. The local rates of the Reading to Philadelphia are $2.39 on prepared sizes and $2.14 on pea and smaller sizes. The respective joint rates on these three sizes of coal from the Lehigh region, except on the smaller sizes from mines on the Pennsylvania, are 26, 25, and 13 cents higher, and from the Wyoming region 63, 51, and 31 cents higher, than the local rates of the Reading. These rate differences are the result of orders by the Public Service Commission of Pennsylvania, in 1914 and 1917, in which it required reductions in the rates to Philadelphia from mines on the Reading and the Pennsylvania in the Schuylkill region and prescribed rates from mines on the Pennsylvania in the Lehigh region 5 cents higher, and from mines on the same carrier in the Wyoming region 10 cents higher, than those prescribed from the Schuylkill region. Since then the Pennsylvania has reduced its rate on the smaller sizes from the Wyoming region to $2.52, the same as that on the same sizes from the Lehigh region. In support of this contention of the Reading it points out that the Pennsylvania maintains rates on prepared sizes and pea size to Wilmington which are 13 cents higher from the Lehigh and Wyoming regions than from the Schuylkill region. Except on pea coal to some destinations, the Pennsylvania maintains the same rates from all three regions to all stations on its line south of Wilmington to and including Frederick Road, and with few exceptions those same rates are maintained to those stations from mines on the Delaware and Hudson and the Lackawanna in the Wyoming region and from mines on the Lehigh Valley and the Central of New Jersey in the Wyoming and Lehigh regions.

The average distances on this traffic via East Penn Junction and Allentown from all mines on the Lehigh Valley and Central of New Jersey in the Lehigh region, from all mines on those carriers in the Wyoming region, from all mines on those carriers in both regions, and from all mines on the Reading, Lehigh Valley, and Central of New Jersey in all three regions are approximately 10, 37.5, 23.5, and 11 miles, respectively, longer than the average distances from mines on the Reading. The average distances from mines on the Lehigh

Valley and Central of New Jersey via Quakake and Haucks are slightly longer than those via East Penn Junction and Allentown. We believe that these differences in average distances, coupled with the recognition which we have several times given to the geographical location of the region nearest to the destination territory, warrant reasonable maximum rates from the Lehigh and Wyoming regions which are somewhat higher than like rates from the Schuylkill region.

No fixed relation exists between the rates on prepared sizes on the one hand and the smaller sizes on the other, nor is there a fixed relation between the rates on pea size and the smaller sizes, and no evidence was introduced with the object of showing what those relations should be. The record, therefore, will not support a finding that the rates on pea and smaller sizes should be lower than the rates herein prescribed on prepared sizes.

We find that the rates assailed on all sizes of anthracite coal from mines on the Lehigh Valley and Central of New Jersey in the Lehigh and Wyoming regions are, and for the future will be, unreasonable to the extent that they exceed or may exceed by more than 13 cents per ton of 2,240 pounds the rates now in effect on prepared sizes from mines on the Reading in the Schuylkill region to the same destinations.

We further find that the rates assailed as aforesaid on the respective sizes of anthracite coal are, and for the future will be, unduly prejudicial to complainants and unduly preferential of shippers from mines on the Reading in the Schuylkill region to the extent that they exceed or may exceed by more than 13 cents per ton of 2,240 pounds the rates contemporaneously maintained on like sizes from said mines on the Reading to the same destinations.

An appropriate order will be entered.

185 I. C. C.