

Decision No. 12598

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-000-

CLAUDE E. RILEY,

Complainant

vs.

P. H. RISON,

Defendant.

CASE NO. 1795

BY THE COMMISSION,

ORDER

On August 19, 1922, Claude E. Riley filed a complaint against one P. H. Rison in which he alleged that said Rison was operating an automotive stage line between St. Helena and Walters Springs in violation of the provisions of Chapter 213, Statutes of 1917, and amendments thereto. In his answer to said complaint, defendant denied that he was operating as a common carrier, or otherwise, between St. Helena and Walters Springs, but admitted that he was operating a so-called "for hire" car and had been operating the same since the year 1916 from the town of St. Helena to any point in the County of Napa; that such operation was not in violation of the provisions of Chapter 213, Statutes of 1917, and amendments thereto.

Later, on September 16, 1922, said defendant filed a sworn statement to the effect that he had satisfied matters complained of in the above entitled complaint and that he had ceased to operate his automobile for the carriage of passengers between St. Helena and Walters Springs and agreed that he would not carry

passengers betwen such points in the future unless he had first secured a certificate from the Railroad Commission authorizing him to engage in such business, and further asked that the above entitled complaint be, accordingly, dismissed. The matter was taken up with complainant who refused to dismiss the complaint although the matters complained of had been satisfied and on August 28, 1923, the Railroad Commission issued its order to show cause directed to complainant in which he was ordered to appear and show cause why said complaint should not be dismissed. Certified copy of said order to show cause was served upon complainant by registered mail, but at the time and place set for said hearing, he failed to appear.

THEREFORE, good cause appearing.

IT IS HEREBY ORDERED that the above entitled complaint be, and the same hereby is dismissed.

Dated at San Francisco, California, this 13th day of September, 1923.

Charles
W. B. ...
Irving ...
Edwin ...
J. T. Whittier
Commissioners