

Decision No. 17578

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

BAY CITIES TRANSPORTATION COMPANY,
Complainant,)

vs.)

CONSOLIDATED MOTOR FREIGHT LINES,
INCORPORATED,)
Defendant.)

ORIGINAL

Case No. 2255.

Sanborn & Roehl and DeLancey C. Smith, by A. B. Roehl,
for Complainant.

Glensor, Clewe & Van Dine, by E. W. Glensor, appearing
for Alameda Transportation Company.

E. W. Hollingsworth and R. T. Boyd, appearing for
Oakland Chamber of Commerce.

L. H. Rodebaugh, appearing for San Francisco-Sacramento
Railroad.

LOUTTIT, Commissioner:

O P I N I O N

The single question presented in this proceeding, as is alleged in the complaint herein, is whether or not the defendant is engaged in the business of transporting property, for compensation, between San Francisco and Oakland, by vessels, upon the inland waters of the State of California.

A public hearing was held, the matter was duly submitted and is now ready for decision.

In order to sustain the allegation above set forth, complainant attempted to prove that the defendant has been holding itself out to transport property for compensation, and is transporting property for compensation by the operation of the

vessels "Utility", "Fidelity" and "Jessie Matson" between San Francisco and Oakland on the San Francisco Bay. It is clear, however, that the said vessels are not operated by the defendant, but by the Alameda Transportation Company, a corporation. It is my opinion that the complainant has failed to sustain the issues tendered by its complaint, and that the same should be dismissed. I recommend the following form of order.

O R D E R

A complaint having been filed by the Bay Cities Transportation Company, a corporation, against the Consolidated Motor Freight Lines, Inc., a corporation, a public hearing having been held, the matter having been duly submitted, and being now ready for decision,

IT IS HEREBY FOUND AS A FACT that the defendant, Consolidated Motor Freight Lines, Inc., is not transporting property for compensation between San Francisco and Oakland, by vessels, upon the inland waters of the State of California, and
Good cause appearing therefor,

IT IS HEREBY ORDERED that the above named complaint be and it is hereby dismissed.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 16th day of November, 1926.

L. W. Brundage
Albany D.
W. H. White
John S. Haight
Commissioners.