

Decision No. 22250

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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SOUTHERN PACIFIC COMPANY,

Complainant

vs.

L. A. THORNEWILL,

Defendant.

ORIGINAL

)
) Case No. 2651
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BY THE COMMISSION:

OPINION AND ORDER ON PETITION
FOR REHEARING

In the Commission's Decision No. 21473 in the above-entitled proceeding rendered on the 20th day of August, 1929, it was found that the defendant L. A. Thornewill had violated the provisions of the certificates theretofore granted him to operate a motor truck service between Santa Cruz and San Francisco, and ordered that said certificates be revoked. Thereafter a petition for rehearing was filed and oral argument thereon held before the Commission on the 2th day of October, 1929. No action has been taken either granting or denying said petition for rehearing.

On the 5th day of November 1929, an action was begun in the Superior Court of the City and County of San Francisco by the Commission on behalf of the People of the State of California against said Thornewill to collect the penalty provided by the Auto Stage and Truck Transportation Act for the violation of law of which the Commission in the above-proceeding had found the defendant to have been guilty. An agreed judgment in said action in the sum of seven hundred fifty dollars (\$750) has since been entered and has been satisfied by the defendant. The Commission is of the opinion that the revocation of the defendant's operative certificate represents a penalty more drastic than justified, and that the penalty which has been paid as aforesaid is an adequate punishment for the offense committed.

Therefore, IT IS ORDERED that Decision No. 21473 rendered in the above entitled proceeding on the 20th day of August 1929, be revoked, annulled and set aside, and that the complaint therein be dismissed.

Dated at San Francisco, California, this 24th day of March, 1930.

Cl. Scavney

Frank A. ...
Wm. O. ...

M. A. ...

Commissioners