

Decision No. 23035

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on the Commission's own motion into the rates, rules, regulations, charges, classifications, contracts, practices, tariff filings and operations, or any of them, of CARL S. PAINTER and ALBERT AHLMAN, operating a common carrier passenger and trucking service under the fictitious name and style of Dos Palos Passenger and Freight Line, between Dos Palos and South Dos Palos and between other points in the State of California.

ORIGINAL

CASE NO. 2907

H. Boyd Smith, for respondents.

BY THE COMMISSION -

OPINION

The Railroad Commission on its own motion, on August 25, 1950, issued its order instituting an investigation into the rates, rules, regulations, charges, classifications, contracts, practices, tariff filings, and operations, or any of them, of Carl S. Painter and Albert Ahlman, operating a common carrier passenger and trucking service, under the fictitious name and style of Dos Palos Passenger and Freight Line, between Dos Palos and South Dos Palos and between other points in the State of California. The Commission also issued its order to show cause as to why any operative rights now possessed by said Carl S. Painter and Albert Ahlman should not be revoked and canceled.

A public hearing on the Order to Show Cause and the investigation was conducted by Examiner Hamford at San Francisco, the matter was duly submitted and is now ready for decision.

The record shows that for some time the Commission has had difficulty in securing proper billing and answers to correspondence relating thereto from respondent C. S. Painter, and that said respondent claims to have depended upon some party to care for such matters and correspondence and that he was under the impression that the various matters had received the necessary attention. It further appears that said respondent is charging rates for the transportation of freight in carload quantities between Dos Palos and South Dos Palos at rates less than those authorized by the Commission, said carload rates having appeared in a tariff offered for filing on May 10, 1930, which tariff, however, was rejected by the Commission.

The operative rights herein under investigation are those acquired by Carl S. Painter and Albert Wilman by transfer of a one half interest from Painter to Wilman under the authority of this Commission's Decision No. 8589 on Application No. 8505, as decided January 23, 1931, and cover the operation of an automotive service as a common carrier of passengers, freight and express between Dos Palos and South Dos Palos.

In the hearing the record shows that respondent Wilman is no longer interested in the partnership, having sold his one half interest in the operative right and equipment to respondent Painter. This transfer was made some six years ago and was never presented to the Commission for approval, nor had the Commission any knowledge of the unauthorized transfer until the time of hearing on this proceeding. Respondent Painter testified that it was his opinion that the matter of the transfer had been properly cared for by securing the requisite authority but after search of his records advised the Commission that he was unable to find any record of any application for or order granting such authority. A search of the Commission's records

does not show any application for transfer.

In view of the entire record in this proceeding showing the lack of compliance with the Commission's directions, rules and regulations and the unauthorized transfer of the operative right, we are of the opinion and hereby conclude that the existing certificate should be revoked, and the following order will so provide:

ORDER

An investigation having been duly initiated on the Commission's own motion in the above entitled proceeding, a public hearing having been held, the matter having been duly submitted, the Commission being now fully advised and basing its order on the conclusion as appearing in the opinion which precedes this order,

IT IS HEREBY ORDERED that the operative rights for the conduct of an automotive transportation service as a common carrier of passengers, freight and express between Dos Palos and South Dos Palos as authorized transferred to Carl S. Painter and Albert Ahlman, under the provisions of Decision No.3569, on Application No.6505, as decided January 26, 1921, be and the same hereby are canceled and annulled.

IT IS HEREBY FURTHER ORDERED that all tariffs and time schedules as filed by said Carl S. Painter and Albert Ahlman for operation of an automotive transportation service for the carriage of passengers, express and freight, under the fictitious name of Dos Palos Passenger and Freight Line, be and the same hereby are canceled and annulled.

The effective date of this order is hereby fixed as
twenty (20) days from the date hereof.

Dated at San Francisco, California, this 3rd day of
November, 1930.

W. J. Seaver
W. J. Seaver
Leon Seaver

COMMISSIONERS.