

Decision No. 24935

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Suspension by the Commission on its own motion of class rates, rules and regulations contained in Pacific Motor Tariff Bureau, E. H. Hart, Agent, Tariff No. 6, C.R.C. No. 9, applying between East Bay points.

Case No. 3267.

E. H. Hart, for Pacific Motor Tariff Bureau.

Reginald L. Vaughan, by Scott Elder, for  
Merchants Express & Drayage Company.

CARR, Commissioner:

O P I N I O N

On May 25, 1932 there was filed with the Railroad Commission by E. H. Hart, Agent for Pacific Motor Tariff Bureau, comprising East Bay Drayage and Warehouse Company, The Haslett Warehouse Company, Inter Urban Express Corporation, Kellogg Express Company, Merchants Express and Draying Company, Peoples Express Company and United Transfer Company, Tariff No. 6, C.R.C. No. 9 naming class rates for the transportation of property by auto trucks operated by said carriers between Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont, which tariff was to become effective on June 1, 1932.

As it did not appear that the carriers represented by said tariff filing, other than the Haslett Warehouse Company, had been certificated to operate between the points named therein or were possessed of so-called prior rights incident to the operation in good faith on and prior to May 1, 1917, the Commission on May 31, 1932 suspended the tariff as to all of the carriers except the Haslett Warehouse Company.

A public hearing was had on this suspension order on June 21st and the matter is now under submission and ready for decision.

Evidence adduced at the hearing satisfactorily indicated that A. Pasteris, operating under the fictitious name of East Bay Drayage and Warehouse Company; Wm. Bolt, operating under the fictitious name of Kellogg Express Company; Peoples Express Company, a Corp., and United Transfer Company, a Corp. were on and prior to May 1, 1917 each operating in good faith as a "transportation company" of property between the points indicated in the tariff; and that Inter Urban Express Corporation, a Corp., and Merchants Express and Draying Company, a Corp., each by purchase approved by the Commission has succeeded to the rights of transportation companies of property likewise operating in good faith between said points on and prior to May 1, 1917.

The tariff thus having been justified, the order of suspension should be revoked and cancelled and the tariff allowed to go into effect on July 1, 1932.

The following form of order is recommended:

#### ORDER

A public hearing having been had in the above entitled matter,

IT IS HEREBY ORDERED that the order of suspension be cancelled and the tariff referred to therein as to the parties involved in such suspension become effective on July 1, 1932.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Com-

mission of the State of California.

Dated at San Francisco, California, this <sup>27<sup>th</sup></sup> 22nd day  
of June, 1932.

Clarence  
Leon Whitell  
M. J. Con  
M. B. Gentry  
Fred G. Stewart  
Commissioners.