

Decision No. 25854.

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, classifica-
tions, contracts, practices and operations,
or any of them, of E. V. RIDEOUT, an indi-
vidual operating under the name and style
of E. V. Rideout Company and/or Enterprise
Barge Company, operating vessels for the
transportation of rice between Sacramento
and Mare Island.

Case No. 3429.

ORIGINAL

E. V. Rideout, in propria persona.

C. E. Brown, for San Francisco, Napa & Calistoga
Railway, interested party.

Reginald L. Vaughan, Scott Elder and Willard S.
Johnson, for Regulated Carriers, Incorporated.

HARRIS, Commissioner:

O P I N I O N

This proceeding was instituted by the Commission on its own motion for the purpose of determining whether or not the rates, rules, regulations, charges, classifications, contracts, practices and operations, or any of them, of E. V. Rideout in so far as they pertain to the transportation of rice between Sacramento and Mare Island, are in any manner illegal or unlawful.

The matter was submitted at a public hearing held at San Francisco December 23, 1932.

Respondent E. V. Rideout is an individual operating under

the fictitious name of E. V. Rideout Company. According to his tariffs he holds himself out to transport property by vessel between Sacramento and Mare Island and other points on San Francisco Bay and on the Sacramento and San Joaquin Rivers and their tributaries. Rates, rules and regulations for this service are contained in Local Freight Tariff No. I-F, C.R.C. No. 9 of E. V. Rideout Company, filed with this Commission. No specific rate is provided for the transportation of clean rice between Sacramento and Mare Island. The rate applicable since November 12, 1931, is obtained by combining with a commodity rate of \$2.30 per ton of 2000 pounds, minimum 10 tons, applying between Sacramento and Oakland a 4th class rate of 14 cents per 100 pounds or \$2.80 per ton applying between Oakland and Mare Island, making a through charge of \$5.10 per ton.

At the present time respondent performs practically no service under the name of E. V. Rideout Company. The equipment and other facilities heretofore used by him under this name are now operated under the name of the Enterprise Line. This company is purely a fiction.¹ The transportation service performed under its name is done under alleged contracts, usually verbal.

It is clear from this record that the Enterprise Barge Company is used as a mere subterfuge for E. V. Rideout to transport freight at other than his lawfully published rates. Respondent admitted that he started the line for the purpose of enabling him to compete with other carriers.

During November 1932 respondent transported from Sacra-

¹ Letterheads and shipping documents of E. V. Rideout Company are used on which is stamped: "Enterprise Line, General Contract Barging, E. V. Rideout Co., Agent, EXbrook 0468, Pier 19, San Francisco."

mento to Mare Island on Barge 6 9550 sacks of clean rice, weighing 962,162 pounds. The shipment was made by the Capitol Rice Mills and was consigned to the Supply Officer at Mare Island. Charges amounting to \$529.19, based on a rate of \$1.10 per ton, were collected from Capitol Rice Mills. No written contract covering this transportation was issued, and correspondence pertaining thereto indicates that business was done with the E. V. Rideout Company.² The barge on which the shipment was transported is owned by W. R. Willis and in the instant case was towed by the boat "Halcyon", owned by W. E. Rideout, respondent's son. It is on this equipment that the business of the E. V. Rideout Company was formerly handled.

It appears that respondent is not the only carrier which engages in practices of this nature, and the Commission has instituted an investigation into the operations of all inland water carriers operating in this territory.³

Respondent should be required to collect for the transportation of the shipment of rice involved in this proceeding the difference between the rates heretofore collected and those applicable under the lawfully filed tariff of the E.V.Rideout Company.

² The following letter dated November 15, 1932, was addressed to the E. V. Rideout Company, Pier 19, San Francisco:

"Gentlemen:

This confirms phone instruction given you today pick up at our mill at West Sacramento a total of 9550 sacks of rice and deliver same to the Supply Officer at Mare Island, freight on same being at the rate of \$1.10 per ton. It is understood that you will send up your barge so that same will reach the mill by tomorrow, November 16th, hold the same there taking delivery as fast as the mill turns out the goods, and deliver the same to Mare Island in 100-ton lots or more at the option of the Navy Department. Kindly give the shipment your very closest attention.

Very truly yours,

Capitol Rice Mills, By _____."

³ Case No. 3458, Investigation on the Commission's own motion into rates, rules, etc., of Alameda Transportation Company et al.

Modesto Irrigation District vs. Pac. Gas and Electric, 36 C.R.C. 766, 769. In the Matter of the Investigation of Allen Bros. Inc., etc., 37 C.R.C. 747. He should also be required to cease and desist from future violations of this nature.

I recommend the following form of order:

O R D E R

This case having been duly heard and submitted, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the preceding opinion,

IT IS HEREBY ORDERED that respondent E. V. Rideout forthwith proceed to collect within thirty (30) days from the date hereof the amount of the undercharge found to exist in the preceding opinion, and report to the Commission under oath when this has been accomplished.

IT IS HEREBY FURTHER ORDERED that respondent cease and desist and thereafter abstain from charging, demanding, collecting or receiving for the transportation of rice between points he is authorized to serve, any charges greater, or less than, or different from those shown in the tariffs of the E. V. Rideout Company on file with the Commission.

IT IS HEREBY FURTHER ORDERED that the Commission retain jurisdiction in this proceeding and take such further steps and make such further orders as shall be necessary to insure compliance by respondent with the law.

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 20th day of February, 1933.

[Signature]
[Signature]
[Signature]
[Signature]
COMMISSIONERS.