

Decision No. 25754.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

REGULATED CARRIERS, INC., a corporation,

Complainant,

vs.

R. P. WALKER, FIRST DOE, SECOND DOE,
THIRD DOE, FOURTH DOE, FIFTH DOE, FIRST
DOE CORPORATION, SECOND DOE CORPORATION,
THIRD DOE CORPORATION, FOURTH DOE COR-
PORATION, FIFTH DOE CORPORATION,

Defendants.

ORIGINAL

Case No. 3448.

Reginald L. Vaughan and Scott Elder, by W. S.
Johnson, for complainant.

Defendant appeared in his own behalf without
counsel.

WARE, Commissioner:

O P I N I O N

By complaint filed on December 19, 1932, complainant charges R. P. Walker with unlawful common carrier operations by auto truck between Sacramento on the one hand, and Sutter Creek, Jackson, Martell, Ione and intermediate points on the other hand.

A public hearing was had at Jackson on March 9, 1933, on which date the case was submitted.

The facts as developed at the hearing may be summarized briefly as follows:

Defendant Walker has been a resident of Sutter Creek for 61 years and has been hauling mail and freight of all kinds for the last past 20 years. In 1916 he was operating as a common carrier, and ever since then has been so operating, between fixed termini and over a regular route, viz., between Sacramento and Sutter Creek. His operations were described by L. Monteverde and his testimony was corroborated by eleven other

witnesses, eight of whom are merchants in and around Sutter Creek.

At the present time Walker makes a round trip between Sacramento and Sutter Creek every Tuesday and Friday, affording merchants of Sutter Creek and other communities a convenient service by taking orders and attending to the fulfillment of those orders by the wholesale houses of Sacramento, whereupon the freight is hauled by defendant to the store doors in and around Sutter Creek and vicinity.

The witnesses who appeared at the hearing eagerly urged this Commission to permit the continuation of Walker's service, and testified that the existing service of the common carriers operating between Sutter Creek and Sacramento would not suffer materially thereby. The record shows that the Walker service is both convenient and advantageous. Upon the showing here made it appears that the ends of justice and fair regulation will be best subserved by invoking in behalf of Walker the doctrine as set forth in California Interurban Motor Transportation Association vs. Yellow Vans, Associated, et al. This will permit Walker to continue his operations upon the filing of a tariff.

I recommend the following form of order:

O R D E R

IT IS HEREBY FOUND that R.P. Walker is operating as a transportation company as defined in Section 1, Subdivision (c) of the Auto Truck Act (Chapter 213, Statutes 1917, as amended), with common carrier status between Sacramento on the one hand and Sutter Creek on the other hand, and without a certificate of public convenience and necessity authorizing such operations.

Based upon the finding herein and the opinion,

IT IS HEREBY ORDERED that R.P. Walker shall cease and desist directly or indirectly or by any subterfuge or device from continuing such operations, provided, however, that this

order shall not become effective if defendant R.P. Walker files with the Commission on or before April 15, 1933, a tariff setting forth the rates, rules and regulations for the transportation of property between Sacramento, Sutter Creek and intermediate points.

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 March 1933.

O. S. Leavelle
Leon. Whitely
W. J. Lee
W. B. Lawrence
W. H. Lawrence
Commissioners.