

Decision No. 25863

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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SACRAMENTO NORTHERN RAILWAY, a
corporation, SOUTHERN PACIFIC COMPANY,
& CORPORATION; PACIFIC MOTOR TRANSPORT
COMPANY, a corporation; THE ATCHISON,
TOPEKA, AND SANTA FE RAILWAY COMPANY, a
corporation; RAILWAY EXPRESS AGENCY,
INC., a corporation, THE RIVER LINES
(The California Transportation Company,
Sacramento Navigation Company, and
Fay Transportation Company),

Complainants,

vs.

FRANK McMANN, JR., an individual doing
business under the firm name and style
of ACME TRANSFER COMPANY,

Defendant.

RECEIVED
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) Case No. 3384

John O. Moran, Roy G. Hillebrand, Robert Brennan,
Wm. F. Brooks, Edward Stern and L. N. Bradshaw,
for Complainants.

T. C. McGettigan, for the Defendant

Reginald L. Vaughan and Willard S. Johnson, by
Willard S. Johnson, for Regulated Carriers,
Inc., intervener on behalf of Complainants.

BY THE COMMISSION:

O P I N I O N

The complaint herein filed on October 18, 1932, charged
defendant with conducting common carrier truck operations be-
tween Oakland, California, on the one hand and Walnut Creek,
Concord, Clayton and Pittsburg, California, on the other hand
in violation of Chapter 213, Statutes of 1917, as amended.

The matter was submitted on December 29, 1932, after
hearings had before Examiner Johnson.

Although defendant's operations for a period were admittedly in violation of the statute, it does not appear that they were in any manner unlawful at the time of the filing of the complaint herein or immediately preceding such filing.

The complainants have failed to prove a case against the defendant and the complaint should be dismissed.

O R D E R

IT IS HEREBY ORDERED that the complaint in the above matter be and the same is hereby dismissed.

Dated at San Francisco, California, this 24th day of April 1933.

W. S. Leary
Leon Arthur
W. H. C. C.
W. B. C.
W. H. C.
Commissioners