

Decision No. 25970.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

REGULATED CARRIERS, INC.,  
a corporation,

COMPLAINANT,

vs.

KARL GLASS, doing business under  
the fictitious name and style of  
GLASS TRANSPORTATION CO., Jane  
Roe Glass, Charles Ashton, Henry  
Fieguth, John Doe Gillis, First  
Doe, Second Doe, Third Doe, Fourth  
Doe, Fifth Doe, First Doe Corporation,  
Second Doe Corporation, Third Doe  
Corporation, Fourth Doe Corporation,  
Fifth Doe Corporation,

DEFENDANTS.

Case No. 3336.

ORIGINAL

Reginald L. Vaughan and Scott Elder, by  
Scott Elder, for complainants.

Alexander Webster for Karl Glass, Defendant.

BY THE COMMISSION:

O P I N I O N

By complaint filed on September 7, 1932, complainant charges Karl Glass, et al, with unlawful common carrier operations by auto truck between Paso Robles and Templeton, on the one hand, and San Francisco, Oakland, Alameda, Marysville, Berkeley and Richmond, on the other hand. Public hearings were had before Examiner Johnson on December 30 and 31, 1932, and February 10, 11 and 25, 1933, the case not being submitted on briefs until April 29, 1933.

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

Defendant has been operating a common carrier service between the points named for a period of about 15 years but failed in his effort to prove that he was operating such common carrier service at the time the Auto Stage & Truck Transportation Act went into effect, on July 9, 1917. Defendant attempted to prove that by operating some sort of a local transfer and truck service prior to the Auto Truck Transportation Act, he was relieved of the necessity for securing a certificate of public convenience and necessity. However, the defendant herein did establish the fact that to the Railroad Commission he represented himself as performing one kind of service and to the State Board of Equalization a different kind of service. There is no doubt but that the defendant wished to avoid regulation just as long as possible and so, while contending that he had been an operator for a period of almost twenty years, he has never filed any tariff or schedule with this Commission and, in fact, replied to the Secretary of this Commission that it was unnecessary for him to follow the statute.

A cease and desist order should issue.

An order of this Commission finding an operation to be unlawful and directing that it be discontinued is in its effect not unlike an injunction issued by a court. A violation of such order constitutes a contempt of the Commission. The California Constitution and the Public Utilities Act vest the Commission with power and authority to punish for contempt in the same manner and to the same extent as courts of record. In the event a party is adjudged guilty of contempt, a fine may be imposed in the amount of \$500.00, or he may be imprisoned for five (5) days, or both. C.C.P.

See 1218; Motor Freight Terminal Co. v. Bray, 37 C.R.C. 224;

re Ball and Haven, 37 C.R.C. 407; Wermuth v. Stamper, 36 C.R.C. 458;

Pioneer Express Company v. Keller, 35 C.R.C. 571.

It should also be noted that under Section 8 of the Auto

Truck Transportation Act (Statutes 1917, Chapter 213, as amended), a person who violates an order of the Commission is guilty of a misdemeanor and is punishable by a fine not exceeding \$1000.00, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. Likewise a shipper or other person who aids or abets in the violation of an order of the Commission is guilty of a misdemeanor and is punishable in the same manner.

### O R D E R

IT IS HEREBY FOUND Karl Glass is operating as a transportation company as defined in Section 1, Subdivision (c) of the Auto Truck Transportation Act (Chapter 213, Statutes 1917, as amended), with common carrier status between Paso Robles and Templeton, on the one hand, and San Francisco, Oakland, Alameda, Marysville, Berkeley and Richmond, on the other hand, and without a certificate of public convenience and necessity or prior right authorizing such operations.

Based upon the finding herein and the opinion,

IT IS HEREBY ORDERED that Karl Glass shall cease and desist directly or indirectly or by any subterfuge or device from continuing such operations.

IT IS HEREBY FURTHER ORDERED that the Secretary of this Commission shall cause a certified copy of this decision to be personally served upon Karl Glass, that he cause certified copies thereof to be mailed to the District Attorneys of San Luis Obispo, Monterey, San Benito, Santa Clara, San Mateo and San Francisco Counties, to the Board of Public Utilities and Transportation of the City of Los Angeles and to the Department of Public Works, Division of Highways, at Sacramento.

The effective date of this order shall be twenty (20) days after the date of service upon defendant.

Dated at San Francisco, California, this 29<sup>th</sup> day of May 1933.

W. C. Sawyer

M. J. Carr

M. B. Harris

W. H. [Signature]  
Commissioners.