

Decision No. 26826

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
HARRY L. STELLING for a Motor Carrier) Application No. 18829.
Transportation Agent's license.)

PACIFIC GREYHOUND LINES, INC.,)
Complainant,)
vs.) Case No. 3577.
HARRY L. STELLING,)
Defendant.)

SEAVEY, Commissioner.

ORIGINAL

O P I N I O N

Subsequent to the filing of the above application a complaint was filed by Pacific Greyhound Lines, Inc., alleging certain violations of Statutes 1931, Chapter 638, urging that the applicant was not a proper party to receive a license, and requesting the Commission to revoke a license heretofore issued to the defendant as manager of a branch office of H. E. Kettering, doing business as United Stages.

A public hearing was held at San Francisco on May 31, 1933.

Stelling testified that he had been operating at the same location for a number of years; that he was in possession of a license issued by this Commission to H. E. Kettering, doing business as United Stages; that he acted under the impression that that license gave him the authority to do business as a Motor Carrier Transportation Agent; and that he now seeks a license to conduct said business in his own name. He gave evidence that during all of the time of the alleged offenses the complainant Pacific Greyhound Lines, Inc. itself had been the beneficiary

from the sales of transportation made by Harry L. Stelling. This testimony was not refuted. The testimony further showed that Stelling had transacted a large volume of business from his office at 768 Howard Street, San Francisco, by issuing receipts for transportation which, when presented at 53 Fifth Street, San Francisco, a branch office of the complainant, had in every case been honored and settlement for their sale, less the commission, made with Mr. Stelling. The evidence introduced by complainant failed to prove that the applicant is not a fit and proper person to receive a Motor Carrier Transportation Agent's license; neither was the evidence produced in support of the complaint sufficient to warrant a cease and desist order.

The following form of order is recommended:

O R D E R

IT IS HEREBY ORDERED that Case No. 3577 is hereby dismissed, and IT IS HEREBY FURTHER ORDERED that the Secretary of the Commission issue to Harry L. Stelling a license to engage in business as a "Motor Carrier Transportation Agent" as such is defined by Statutes of 1931, Chapter 638, page 1362, at the following location:

768-A Howard Street, City and County of San Francisco; provided, that Harry L. Stelling shall first file a bond in the sum of one thousand dollars (\$1,000), the form and substance of which shall be as set forth in Decision No. 24504, on Application No. 17796; and provided, further, that said licensee shall file a written acceptance of said license within ten (10) days, said acceptance to contain a declaration that the license is accepted with the understanding that it does not constitute an automotive passenger stage corporation operating right within the purview of the Public

Utilities Act.

The foregoing opinion and order is 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 5th day of June, 1933.

Ch. Leamy
Leon Overman
W. P. Lee
W. B. Harris
W. H. ...
COMMISSIONERS.