

HARRIS, Commissioner:

O P I N I O N

The above entitled proceeding, instituted on the Commission's own motion into the rates, rules, regulations, charges, contracts, practices and operations, or any of them of respondents, is to determine if they are operating as car loading or unloading companies as defined in Section 2(1) of the Public Utilities Act or are otherwise subject to the jurisdiction of the Railroad Commission of the State of California.

This hearing supplements investigations conducted under Case No. 3323, in which this Commission, by Decision No. 25679 of February 27, 1933, required all respondents engaged in car unloading for the public for compensation to file their tariffs setting forth their rates, rules and regulations.

Reference is hereby made to Case No. 3323 and Decision No. 25679. The question to be determined in this case is whether the respondents are operating as car loading or unloading companies as defined in Section 2(1) of the Public Utilities Act or are otherwise subject to the jurisdiction of this Commission.

I find that each of the respondents named in the order is engaged in car unloading for the public for compensation and is performing common carrier and/or utility wharfinger and/or public utility services within the meaning of Section 2(1), 2(z) and 2(dd) of the Public Utilities Act.

Said respondents, unless they have already done so, should file with this Commission their tariffs setting forth their rates, rules and regulations covering their services of car loading and unloading and any accessorial services incidental thereto.

This case will be kept open for further investigation of J. H. Baxter and Company and any respondents that may be substituted for fictitious respondents.

I recommend the following form of order:

O R D E R

This proceeding having been duly heard and submitted, and basing this order on the findings of fact contained in the opinion which precedes this order, which findings are hereby affirmed;

IT IS HEREBY ORDERED that respondents, Bear and Garrigues; Harris and Bissel, Haslett Warehouse Company, David Sternberg, C. E. Sullivan, San Francisco Warehouse Company, The River Lines, Flood Brothers, Pacific Stevedoring and Ballasting Company, Rhodes and Jamieson, Ltd., South Coast Steamship Company, Sudden Steamship Company, Los Angeles and Long Beach Despatch Line, San Diego-San Francisco Steamship Company, Anza Trading Company, Moore Mill and Lumber Company, National Steamship Company, A.B. Johnson Lumber Company, Rolf Stahlbaum, Stockton Terminal Service and Stevedoring Company, George W. Konig, McManus Stevedoring Company, American Stevedoring Company, Occidental Forwarding Company, be and they are hereby ordered to file within 20 days from the date of this order their respective tariffs containing rules and regulations applicable to their several public utility operations of car loading and unloading and any and all accessorial services incidental thereto.

IT IS HEREBY FURTHER ORDERED that as to remaining respondents the proceeding is dismissed.

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 2nd day
of October, 1933.

C. Deane
Leon Whidell
W. H. Lee
W. B. Harris
Commissioners.