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Decision No. 25384

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Investigation on the
Commission's own Motion into the rates,
rules, regulations, charges, contracts,
practices and operations, or any of them,
offsalfour, Guthrie & Co., Ltd., Bear &
Garrigues, Harris & Bissell, Fred Olsen,
Line, Easlett Warehouse Co., David Sternberg,
C.E.Sullivan, Swayne & Hoyt, Inc., San Francisco Warehouse Co., The River Lines, Union
Steemship Co. of New Zealand, Federated Terminal, Inc., Flood Bros., Chas. Grahem,
Pacific Stevedoring & Ballasting Co., Rhodes
& Jamieson, Ltd., J. E. Woodside, Interstate
Terminals, Ltd., Sou th Coast Steamship Co.,
Sudden Steamship Co., Los Angeles & Long Beach
Despatch Line, San Diego-San Francisco Steamship Co., J.H.Baxter & Company, Anza Trading
Company, Moore Mill & Lumber Co., National
Steamship Co., Freeman Steamship Co., Chas.
H. Higgins, Hobbs, Well & Co., A.B. Johnson
Lumber Co., Rolf Stahlbaum, John Doe Nos. 1, 2, 3, 4,
5, 6, 7, 8, 9 and 10, Jane Doe Nos. 1, 2, 3, 4,
5, 6, 7, 8, 9 and 10, John Doe Corporation
Nos. 1, 2, 3, 4, and 5, John Doe and Company
Nos. 1, 2, 3, 4, and 5.

McCutchen, Olney, Mannon & Greene, by Allen P. Metthew and John O.Moran, for Balfour Guthric & Company, Limited; also for The River Lines. Lillick, Olson & Graham, by Joseph J.Geary, for Swayne & Hoyt, Limited.
Senborn & Roehl, by H.H.Sanborn, for National Steemship Company. E. P. McCarthy, for J.H.Baxter & Company. C. S.Connolly, for Interstate Terminals, Limited. J.F. Vizzerd, for Federated Terminals. C.O.Burgin, for John F.Blain.
Markell C.Baer, for Port of Oakland.
L.B.Bailey, for Haslett Warehouse Company and San Francisco Warehouse Company. J.L.King, Jr., for Union Steamship Company. R.C.Flood, for Flood Brothers. H.H.Bissell, for Herris & Bissell. C.R. Moore, for Moore Milling and Lumber Company. G.F. McManus, for McManus Stevedoring Company. C. Haseltine for Pacific Stevedoring & Ballasting A. H. Jones, for Associated Terminals Company. G. H. Graham, in propria persona. Ray Demoro, for San Diego-San Francisco Steamship Co. J. Feregan, for Fred Olsen Line. Ralph Myers and H.H. Sanborn for Hobbs, Wall Company. George Jamieson for Rhodes-Jamieson Company. Thomas S.Louttit, for John F.Blain.

HARRIS, Commissioner:

OPINION

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 cer 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 wherfinger 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:

ORDER

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 100 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 2 day of October, 1933.

Lion Suhitself

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M. B. Harris.