

Decision No. 26992

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

THE RIVER LINES (The California
Transportation Company, Sacramento
Navigation Company, and Fay Trans-
portation Company), and REGULATED
CARRIERS, INC., a corporation,

Complainants,

vs.

USABURO YAMASAKI, JOHN DOE, RICHARD
ROE and JOHN DOE CORPORATION,

Defendants.

Case No. 3765.

McCutchen, Olney, Mannon & Greene, by F. W. Mielke,
for The River Lines, complainant.

Reginald L. Vaughan and Scott Elder, for Regulated
Carriers, Inc., complainant.

R. L. Gianelli, for Usaburo Yamasaki, defendant.

CARR, Commissioner:

OPINION

By complaint filed on January 19, 1934, complainants
charged Usaburo Yamasaki with unlawful operations by auto truck
between San Francisco and Stockton.

A public hearing was had on April 24, 1934, on which date
the case was submitted.

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

Usaburo Yamasaki, a Japanese, about November, 1933, with
a one and one-half ton Ford truck, started hauling vegetables for
his brothers and one or two other vegetable growers at Stockton
to San Francisco, making about three trips a week. On the back

haul he carried rice, groceries and case goods for some half dozen supply houses, mostly Japanese, in San Francisco consigned to purchasers in Stockton. These supply houses shipped by Yamasaki pursuant to orders from their Stockton consignees who paid Yamasaki his freight charges. Shipments were usually made on regular bills of lading. About two months ago Yamasaki discontinued operating over the Stockton-San Francisco route.

From the record as developed there is no escape from the conclusion that the defendant at the time the complaint was filed, for a short time before and a short time thereafter, was operating as a transportation company between Stockton and San Francisco without a certificate of public convenience therefor. While he has discontinued such operation, the complainants are entitled to a cease and desist order. (Re The River Lines, et al. vs. Armstrong, 38 C.R.C. 462; Regulated Carriers, Inc. vs. Larry Parsons, et al., Decision No. 26828, decided February 26, 1934.)

I recommend the following form of order:

C O R D E R

IT IS HEREBY FOUND that Usaburo Yamasaki was at the date of filing the complaint operating as a transportation company as defined in Section 1, Sub-Division (c) of the Auto Truck Act (Chapter 213, Statutes 1917, as amended), with common carrier status between Stockton and San Francisco 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 Usaburo Yamasaki shall cease and desist directly or indirectly or by any subterfuge or device

from continuing such operations.

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

Dated at San Francisco, California, this 30th day of April, 1934.

C. C. Harvey
Leon Whitell
M. J. Carr
M. B. Lagan
W. L. W. W. W.
Commissioners.