

Decision No. 3643

3643

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

REGULATED CARRIERS, INC., a corporation, )

Complainant, )

vs. )

Case No. 3643

R. TUNZI, and R. Tunzi doing business as )  
Salinas Valley Freight Line, 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. )

Reginald L. Vaughan and Scott Elder, for Complainants.  
Harry A. Encell, for defendant.

BY THE COMMISSION -

O P I N I O N

By complaint filed on July 22, 1933, complainant charges R. Tunzi with unlawful common carrier operations by auto truck between San Francisco and King City.

Public hearing was had before Examiner Handford on May 17, 1934, on which date the case was submitted.

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

Defendant Tunzi was the only witness presented at the hearing. He admitted having accepted and transported freight between San Francisco and King City. He has no right to serve King City but he is authorized to the north city limits of that city. The freight was delivered to a King City truckman at the north limits and in this manner defendant was accomplishing service he was forbidden to render. His excuse was that he believed he could so accept and deliver so long as he did not make delivery himself. He also admitted two shipments he transported to Oakland, which he is not authorized to do. He did this, he said, because another carrier's equipment had broken down.

The facts do not justify an order to cease and desist. We are inclined to disbelieve he had any real intent to violate the law by his King City arrangements or by the two loads he transported to Oakland. He is admonished, however, that he must stay strictly within his certificated rights and not invite punitive treatment by any future violation.

ORDER

IT IS HEREBY ORDERED that the complaint herein be and the same hereby is dismissed without prejudice.

Dated at San Francisco, California, this 11<sup>th</sup> day of September, 1934.

Leon A. Quinn

W. B. Davis

W. B. Davis

W. B. Davis

COMMISSIONERS.