

Decision No. 27429

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Order to )  
Show Cause why the tariff of )  
WESTERN STATES EXPRESS should ) Case No. 3725  
not be cancelled. )

Wm. F. Herron for Western States Express, Respondent,  
Gerald E. Duffy and E. G. Ryder for The Atchison,  
Topeka & Santa Fe Railway Company.

H. W. Hobbs for Southern Pacific Company and  
Pacific Motor Transport Co., interested parties.

Edward Stern for Railway Express Agency, Inc.

R. W. Lacey for California Motor Express, Ltd., and  
California Motor Transport, Ltd.,  
interested parties.

W. S. Johnson for Valley Express Company.

BY THE COMMISSION:

O P I N I O N

This proceeding is an order to show cause instituted by the Commission on its own motion against the Western States Express directing it to show cause, if any it has, why its Local Express Tariff No. 2, C.R.C. No. 2 should not be cancelled.

A public hearing was held in this matter before Examiner Satterwhite at San Francisco.

The Respondent, by its attorney, moved to vacate and dismiss this proceeding on the grounds that said order to show cause was irregularly issued and that the Commission has no jurisdiction to issue said order. There is no merit in the said motion and it will be denied.

The Respondent neither presented an oral answer, nor filed any written answer or pleading herein, nor presented any evidence whatever at the hearing.

The record shows that there has been filed with the Railroad Commission of the State of California by Western States Express, Respondent, effective May 27, 1933, Local Freight Tariff No. 2, C.R.C. No. 2, naming rates for the transportation of express between San Francisco and Los Angeles and other points in California. It further appears that said Western States Express has neither operated as an express corporation under tariffs on file with the Commission on May 1, 1933, nor has ever filed an application for a certificate of public convenience and necessity as required under Section 50(f) of the Public Utilities Act, Chapter 748, Statutes of 1933.

#### O R D E R

A public hearing having been held in the above entitled proceeding, the matter being now ready for decision and basing this order upon the findings of fact and conclusions in the foregoing opinion,

IT IS HEREBY ORDERED that the motion of said Express Company to dismiss this proceeding be and the same is hereby denied.

IT IS FURTHER ORDERED that said Local Express Tariff No. 2, C.R.C. No. 2 of the Western States Express be and the same is hereby cancelled.

IT IS HEREBY FURTHER ORDERED that the Secretary of this Commission serve, or cause to be served, upon the

said Western Express Company a certified copy of this decision.

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

Dated at San Francisco, California, this 8<sup>th</sup> day of October, 1934.

Leon A. White

W. H. C. C.

W. B. Lane

W. H. C. C.

Commissioners.