

Decision No. 28060

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

REGULATED CARRIERS, INC.,
a corporation,

Complainant,

vs.

Case No. 3689.

SAM RHINEHART and SAM RHINEHART
doing business under the fictitious
name and style of Sam's Transfer,
and Sam Rhinehart doing business
under the name and style of Safety
First Transfer, Inc., 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,

Defendants.

ORIGINAL

R. L. Vaughan and Scott Elder for complainant.

Edward G. Bernard for defendant.

BY THE COMMISSION:

OPINION ON REHEARING

Our Decision No. 27476 upon the original proceeding in this case was rendered October 29, 1934. The issue therein was upon the allegation that defendant Sam Rhinehart, also doing business under the name of Sam's Transfer, was performing unlawful truck operations between San Francisco and Los Angeles and contiguous points and points intermediate thereto. We found that defendant was in fact operating a common carrier transportation company as defined by Chapter 213, Statutes 1917, and ordered defendant to cease and desist such operations. Upon the decision as rendered the defendant filed a petition for rehearing which was granted. No further evidence was offered upon the rehearing; but the defendant filed a brief to which the complainant made reply, and the case now comes on for a determination

on the matters presented in said petition and in the briefs made in support thereof.

The defendant states three grounds of objections to the Commission's decision. First, that the Commission has no jurisdiction over the issues presented; second, that the issuing of a cease and desist order would be in violation of the Federal Constitution; and third, that the defendant was not acting as a common carrier.

Upon a consideration of all the matters presented upon the whole record, we adhere to the findings in our original opinion.

An order dismissing the application for rehearing will be entered.

O R D E R

Rehearing having been conducted herein by Examiner Geary and the matter again having been duly submitted on briefs and the Commission being fully advised in the premises,

IT IS HEREBY ORDERED that Decision No. 27476, dated October 29, 1934, herein, be and the same hereby is confirmed and ordered to remain without alteration.

Dated at San Francisco, California, this 24th day of
June, 1935.

Leon A. Whidely

M. A. Geary

M. B. Harris

W. H. [Signature]

Commissioners.