

Decision No. 28180

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

PASSENGER CARRIERS ASSOCIATION,
a corporation,

Complainant,

vs.

Case No. 4000.

BENJAMIN FRANKLIN LINE,
FRANK A. ANDERSON, FIRST DOE,
SECOND DOE, THIRD DOE, FOURTH DOE,
and FIFTH DOE,

Defendants.

ORIGINAL

Orla St. Clair for Complainant.

Harry A. Encell for Defendants.

Robert Brennan & Wm. F. Brooks for intervener
in behalf of complainant.

BY THE COMMISSION:

O P I N I O N

Passenger Carriers Association in this proceeding seek an order requiring defendants Benjamin Franklin Line and Frank A. Anderson, et al, to cease and desist a common carrier operation for the transportation of passengers over the public highways for compensation between the Cities of San Francisco, Los Angeles, and others on the one hand, and all points in the State of California on the other hand.

Defendants in their answer denied the operation of passenger stages as defined in the Public Utilities Act, Statutes of 1911, as amended.

A public hearing was held before Examiner Ceary in San Francisco August 5, 1935.

This proceeding, filed April 10, 1935, described 24 specific violations of the law in the transportation of passengers between San

Francisco and Los Angeles for compensation during the months of November and December, 1934, and January, 1935. Complainant was prepared to proceed and prove these allegations by a number of witnesses present in the court room. Attorney for defendants made a statement to the effect that his clients had been primarily engaged in the transportation of passengers between California and interstate points, that all business within the State of California was discontinued in February, 1935, and that since July 5, 1935, no passengers had been transported either between points within the State of California or between California and interstate points. It was admitted by defendants that the allegations of the complaint could be sustained and therefore there would be no objection to the entering of a cease and desist order. The parties stipulated to a cease and desist order as prayed for, same to include San Diego. No testimony was taken and the proceeding will be disposed of in accordance with the stipulation.

O R D E R

IT IS HEREBY FOUND THAT Benjamin Franklin Line and Frank A. Anderson were operating as complained of, as a stage corporation, for the transportation of passengers, as defined in Sections 24 and 50 of the Public Utilities Act, between San Francisco and Oakland on the one hand, and Los Angeles and San Diego on the other, and all intermediate points, and without a certificate of public convenience and necessity or prior right authorizing such operation.

Based upon the stipulation referred to in the Opinion,
IT IS HEREBY ORDERED that Benjamin Franklin Line and Frank A. Anderson shall cease and desist, directly or indirectly,

or by any subterfuge or device, from continuing such stage corporation operations.

IT IS HEREBY FURTHER ORDERED that the Secretary of this Commission shall cause a certified copy of this decision to be personally served upon Benjamin Franklin Line and upon Frank A. Anderson.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 19th day of August, 1935.

Leon Whitney

W. J. Line

Walter H. ...

Frank R. ...

COMMISSIONERS.