

Decision No. 28825

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-oOo-

CERTIFICATED HIGHWAY CARRIERS, INC.,
a corporation,

Complainant,

vs.

E. E. ROBINSON, doing business
under the fictitious name and style
of Arrow Transfer,

Defendant.

Case No. 3949

ORIGINAL

BY THE COMMISSION:

ORDER DENYING REHEARING

Petition for a rehearing of our Decision No. 28803
in the above entitled matter having been filed by E. H. Robinson;
the Commission having carefully considered the said petition, and
each and every allegation contained therein, and being of the
opinion that no good cause for the granting of a rehearing is
therein made to appear,

IT IS HEREBY ORDERED that the said petition for re-
hearing be and the same is hereby denied.

As to the alleged ambiguity and uncertainty of the order
in Decision No. 28803, the Commission found that defendant's opera-
tions between the points in question were common carrier in nature.
This finding necessarily applied to defendant's operations as re-
viewed in the decision and disclosed by the record. Since the sub-
mission of this matter defendant has obtained a permit to operate

as a highway contract carrier under Statutes 1935, chapter 223.

The Commission has not made a finding as to the status of defendant's operations at the present time, as the facts relating thereto are not before us. It may well be that defendant has changed his method of operation since submission of this proceeding. Having obtained a highway contract carrier permit, he has the right to operate as such, provided that he restricts his operations to those of a legitimate highway contract carrier, as defined in Rampone v. Leonardini (Jan. 27, 1936), Decision 28526, Case 3993, reported at 39 C.R.C. (Adv. Ops.) 588, and does not enter the field of highway common carriage. Status of present or future operations is a matter to be determined if and when questioned in a future proceeding and upon the facts of record in such a proceeding.

Dated at San Francisco, California, this 22^d day of June 1936.

M. B. Harris
W. A. G.
W. A. G.
Commissioners