

Decision No. 28794

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

REGULATED CARRIERS, INC.,
a corporation,

Complainant,

vs.

T. A. MINARDI and T. A. MINARDI,
doing business under the ficti-
tious name and style of Garden
City Transfer Company, First Doe,
Second Doe, Third Doe, Fourth Doe,
Fifth Doe, First Doe Corporation,
Second Doe Corporation, Third Doe
Corporation, Fourth Doe Corpora-
tion, Fifth Doe Corporation,

Defendants.

Case No. 3965

ORIGINAL

Reginald L. Vaughan, for Complainant.

H. S. Center and Carl R. Schulz, for Defendants.

H. F. Hirschey, for James J. Broz, representing
Valley Express Company, Protestant.

WAKEFIELD, Commissioner:

OPINION ON REHEARING

T. A. Minardi, operating under the fictitious name and style of Garden City Transfer Company, a defendant herein, filed a petition for a rehearing of Decision No. 28295 in the above entitled proceeding wherein he, together with E. D. Paranimo and B. L. Schuttere, was found to be operating as a highway common carrier as such is defined in Section 2-3/4 of the Public Utilities Act and was ordered to cease and desist such operations between San Francisco, on the one hand, and Los Angeles and Sacramento, on the other hand.

Rehearing was granted and the matter was heard on April 30, 1937, and submitted on May 13, 1937, after oral argument.

After full and careful consideration of the entire record in this proceeding, I am of the opinion, based on said record, that

the facts and evidence therein do not support a finding that T. A. Minardi was operating as a highway common carrier. The cease and desist order heretofore issued against said T. A. Minardi should, therefore, be set aside, vacated and revoked and annulled.

ORDER ON REHEARING

IT IS HEREBY ORDERED that Decision No. 28295, dated October 21, 1935, in so far as it involves T. A. Minardi, operating under the fictitious name and style of Garden City Transfer Company, be and the same hereby is set aside, vacated and revoked and annulled. In all other respects Decision No. 28295 shall remain unchanged and in full force and effect.

The foregoing opinion, findings and order are hereby approved and ordered filed as the opinion, findings and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 24th day of May, 1937.

Leon C. Whittell

Stallan

Robert Wehner

Ray L. Kelley
Commissioners.