

Decision No. 20816.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation  
by the Commission on its own motion  
into the operations and practices of  
JOHN DOE McNUTT.

Case No. 3893

In the Matter of the Investigation  
by the Commission on its own motion  
into the rates, rules, regulations,  
charges, operations, schedules and  
practices, or any of them, of UNION  
TRANSFER AND STORAGE COMPANY and/or  
JOSEPH L. ZERBONI.

Case No. 3894

**ORIGINAL**

L. H. McNutt, in propria persona.

Jos. L. Zerboni, in propria persona.

H. J. Bischoff, for Southern California Freight  
Lines.

Robert Brennan, Wm. F. Brooks and H. K. Lockwood,  
by H. K. Lockwood, for The Atchison, Topeka  
and Santa Fe Railway Company.

Fred G. Athearn, amicus curiae.

BY THE COMMISSION:

OPINION AND ORDER

Case No. 3893 is an investigation instituted by the Commission on its own motion into the operations and practices of L. H. McNutt, particularly to determine whether or not he was operating as an express corporation or freight forwarder as defined in Sections 2(k) and 2(ka) of the Public Utilities Act, or was aiding or abetting in the violation of any provision of the Public Utilities

Act or the Auto Truck Transportation Act.

Case No. 3894 is an investigation instituted by the Commission on its own motion into the rates, rules, regulations, charges, operations, schedules and practices, or any of them, of Union Transfer and Storage Company and/or Joseph L. Zerboni, particularly to determine whether or not said Union Transfer and Storage Company and/or Joseph L. Zerboni have in any manner, directly or indirectly, deviated from their lawfully filed tariff.

The cases were duly heard and submitted on a consolidated record at Los Angeles before Examiner Gorman.

It appears that respondent Joseph L. Zerboni operated an auto truck transportation company under the firm name of Union Transfer and Storage Company, serving Los Angeles, Santa Monica and other points in southern California. Respondent L. H. McNutt was employed as a receiving clerk at Zerboni's Los Angeles terminal. The record discloses that both respondents engaged in certain practices, particularly with respect to the consolidation of shipments, which were in direct violation of the Auto Truck Transportation Act.

Since the submission of these proceedings the circumstances surrounding them have been changed in several important respects. Zerboni's interest in said transportation business has been transferred to the Union Transfer and Storage Company of Los Angeles, a corporation,<sup>1</sup> the Auto Truck Transportation Act has been repealed (Chapter 664, Statutes of 1935), and highway common carrier operation has been made subject to the provisions of the Public Utilities Act. Under these circumstances it does not appear that any good purpose

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<sup>1</sup> The transfer was authorized by Decision No. 28176 in Application No. 20082, unreported.

would be served by issuing a cease and desist order on the present record. These proceedings will therefore be discontinued. Good cause appearing, therefore,

IT IS HEREBY ORDERED that these proceedings be and they are hereby discontinued.

Dated at San Francisco, California, this 1<sup>st</sup> day of June, 1937.

Leon A. Kelly  
Frank R. Kalm  
Raymond W. Kalm  
Paul S. Kelly  
Commissioners.