

shipments transported between San Francisco and Los Angeles during
Decision No. 431299: two ... transportation service
was performed for ninety-one days ...
service almost daily.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
Representatives of A. ...

Co., Mindel & Graham, ...

In the Matter of the Investigation, ...
on the Commission's own motion, into
the operations, rates, charges, ...
contracts, and practices, or any
thereof, of PAUL O. NELSON, doing
business as GOLDEN GATE TRANSPORTATION
COMPANY, and Los Angeles; ...

Case No. 4327

respondent and the shippers; ...
solicited by respondent. They presented ...

and issued ...
Douglas Brookman, for California Motor Transport,
Ltd., and California Motor
Express, Ltd., interested
parties;

Fred Leve, for Golden Gate Transportation Company, Inc.,
John A. ... interested party.

Business, testified ...

RILEY, COMMISSIONER: ...

relation between ...

OPINION

shipper witness ...

transport. This proceeding was instituted by the Commission, on its
own motion, to determine whether or not respondent, Paul O. Nelson,
is engaged in motor truck operation between Los Angeles and San
Francisco as a highway common carrier, without first obtaining a
certificate of public convenience and necessity. Public hearing
was held in San Francisco, California, on July 12, 1938.

... E. E. Keyburn, an inspector for the Commission, testified
that he had examined the books of respondent for the months of
November and December, 1937. He presented a summary, showing the
carrier. ...

be discontinued.

An order of this Commission finding an operation to be unlawful and directing that it be discontinued is, in its effect, not unlike an injunction issued by a court. A violation of such order constitutes a contempt of the Commission. The California Constitution and the Public Utilities Act vest the Commission with power and authority to punish for contempt in the same manner and to the same extent as courts of record. In the event the party is adjudged guilty of contempt, a fine may be imposed in the amount of \$500.00, or he may be imprisoned for five days, or both.

C.C.P., Sec. 1218;

Motor Freight Terminal Co. v. Bray, 37 C.R.C. 224;

In re Ball and Hayes, 37 C.R.C. 407;

Wermuth v. Stamper, 36 C.R.C. 437;

Pioneer Express Co. v. Keller, 33 C.R.C. 571.

The following form of order is recommended:

O R D E R

Public hearing having been held in the above entitled proceeding, evidence having been received, the matter submitted, and the Commission now being fully advised,

IT IS HEREBY FOUND that respondent Paul O. Nelson, doing business as Golden Gate Transportation Company, is engaged in owning, controlling, operating, and managing auto trucks used in the business of transportation of property for compensation or hire over the public highways, between fixed termini of San Francisco on the one hand and Los Angeles on the other, as a highway common carrier, without a certificate of public convenience

and necessity and without operative right therefor, in violation of Section 50-3/4, Public Utilities Act.

IT IS HEREBY ORDERED that said Paul O. Nelson, doing business as Golden Gate Transportation Company, cease and desist from conducting or continuing said operation, directly or indirectly or by any subterfuge or device, unless and until he shall have obtained a certificate of public convenience and necessity therefor from this Commission.

IT IS HEREBY FURTHER ORDERED that the Secretary of this Commission shall cause a certified copy of this decision to be served upon PAUL O. NELSON, respondent herein.

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

The effective date of this order shall be twenty (20) days after service thereof upon said respondent.

Dated at San Francisco, California, this 26th day of September, 1938.

W. J. [Signature]

Francis [Signature]

A. L. [Signature]

Commissioners.