

Decision No. 32955

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on the Commission's own motion into the operations, rates, charges, contracts, and practices of WEBB & SCHELL, a co-partnership, OTIS ROE, JACK REID, and JOHN FERREIRA. ) ) ) ) ) ) Case 4374

BY THE COMMISSION:

SECOND SUPPLEMENTAL ORDER

On October 10, 1939, the Commission issued herein its Decision No. 32439 which provided, among other things, that radial highway common carrier permit No. 43-805 and highway contract carrier permit No. 43-306 issued to respondent Webb & Schell, a co-partnership, each be suspended for a period of ten days. The effective date of said decision was stayed, by the filing of petitions for rehearing, until March 11, 1940, and the Commission, by its Decision No. 32924, fixed said ten-day period of suspension to commence April 1, 1940.

The record in this proceeding shows that respondent Webb & Schell was a co-partnership, and that Fred Schell was the active partner in charge of the business during the time when the violations referred to in said Decision No. 32439 occurred.

The records of the Commission (Permit File No. 43-305) show that on December 29, 1939, during the pendency of petitions for rehearing herein, respondent Webb & Schell, acting through Fred Schell, filed an application requesting cancellation of its said

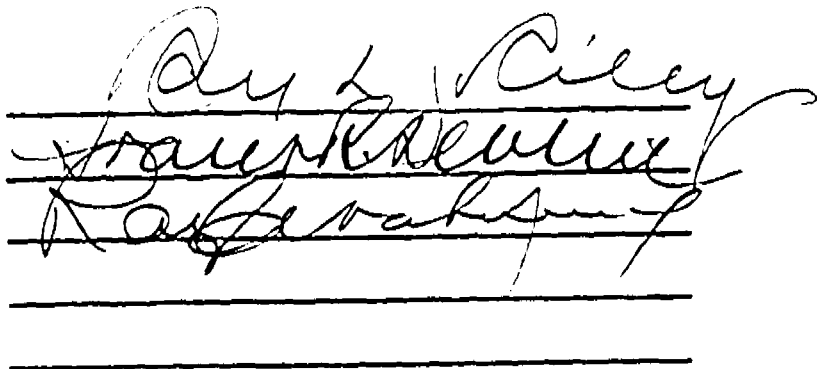
permits and giving "change in ownership" as the reason therefor. Pursuant thereto, the Commission revoked said permits on December 31, 1939. The Commission's records (Permit Files Nos. 43-1099 and 43-1100) also show that on December 29, 1939, said Fred Schell filed applications for radial highway common carrier and highway contract carrier permits to be issued to him as an individual doing business as Webb & Schell, and that pursuant thereto radial highway common carrier permit No. 43-1099 and highway contract carrier permit No. 43-1100 were issued to him on January 12, 1940.

In view of these facts, a further order should be issued herein providing that said radial highway common carrier permit No. 43-1099 and said highway contract carrier permit No. 43-1100 held by Fred Schell each be suspended for a period of ten days.

NOW THEREFORE, in supplement to the orders heretofore made herein in Decisions Nos. 32439 and 32924, IT IS HEREBY ORDERED that Radial Highway Common Carrier Permit No. 43-1099 and Highway Contract Carrier Permit No. 43-1100, issued to Fred Schell, doing business as WEBB & SCHELL, be and they are, and each of them is, hereby suspended for a period of ten (10) days commencing April 1, 1940, and continuing to and including April 10, 1940.

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

Dated at San Francisco, California, this 29<sup>th</sup> day of March, 1940.

  
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Commissioners.