Decision No. 33482

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

Case No. 4366

Case No. 4386

Case No. 4477

In the Matter of the Investigation on the Commission's own motion into the operations, rates, charges, contracts and practices of J. NELSON KAGARISE and J. NELSON KAGARISE, doing business as PUENTE TRUCK & TRANSFER COMPANY and KEYSTONE EXPRESS COMPANY.

In the Matter of the Investigation on the Commission's own motion into the operations, rates, charges, contracts and practices of COOPERATIVE MERCHANTS OF RIVERSIDE and COOPERATIVE MERCHANTS OF POMONA VALLEY.

In the Matter of the Investigation on ) the Commission's own motion into the ) operations, rates, charges, contracts ) and practices of J. NELSON KAGARISE, ) COOPERATIVE MERCHANTS OF RIVERSIDE, ) COOPERATIVE MERCHANTS OF POMONA VALLEY, ) CHANNEL CITY MERCHANTS ASSOCIATION, and ) CALIFORNIA SHIPPERS ASSOCIATION. )

BY THE COMMISSION:

## ORDER DENYING REHEARING

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A petition for rehearing in respect to the Commission's Decision No. 33109, issued May 21, 1940, in the above-entitled matter has been filed jointly by respondents J. Nelson Kagarise, Cooperative Merchants of Riverside, Cooperative Merchants of Pomona Valley, Channel City Merchants Association, and California Shippers Association; and a supplemental petition for rehearing was thereafter filed by J. Nelson Kagarise alone. Upon consideration of said petitions it is concluded that rehearing should be denied. In respect, however, to the contention made in the supplemental petition that the finding that J. Nelson Kagarise unlawfully began operations as a freight forwarder subsequent to August I, 1933, may be construed to deprive him of any such rights which he may have by virtue of operations conducted by him as Keystone Express Corporation on and prior to that date under tariffs on file with the Commission, perhaps it should again be stated that no issue as to the operative rights which respondent Kagarise may hold by reason of any operations conducted in the name of Keystone Express Corporation was determined in that decision, nor did the order direct him to cease and desist from any such operations.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that rehearing in respection to said Decision No. 33109 be and it is hereby denied.

Dated at San Francisco, California, this  $10^{67}$  day of September, 1940.

COMMISSIONERS.