

Decision No. 33692.

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 VICTOR GARIBALDI and
J. GARIBALDI, doing business as GARI-
BALDI BROTHERS; J. H. HARRIS; GEORGE J.
SAUL, doing business as SAUL LIVE STOCK
TRANSPORTATION; EUGENE N. STEPHENS; and
C. K. WILLIS, doing business as WESTERN
LIVE STOCK SHIPPERS.

ORIGINAL

Case No. 4305.

W. R. Williams, for Garibaldi Brothers

Wallace L. Ware, for John H. Harris

Don Petty, for C. K. Willis, doing business
as Western Livestock Shippers

BY THE COMMISSION:

O P I N I O N

This proceeding is an investigation by the Commission on its own motion, into the operations of the above respondents, to determine whether or not any of the said respondents are engaged in rendering a transportation service as a highway common carrier, without first having secured a certificate of public convenience and necessity as required by the Public Utilities Act.

A public hearing in this matter was conducted by Examiner Gorman at Los Angeles and, the matter being duly submitted, it is now ready for decision.

Garibaldi Bros., J. E. Harris &
Saul Livestock Transportation

The Commission having already adjudicated the matters involved in this case by Decision No. 32673, dated December 19, 1939, in so far as Garibaldi Bros., J. E. Harris and Saul Livestock

Transportation are concerned, the case may be dismissed as to said respondents.

Eugene N. Stephens

Eugene N. Stephens, possessing a Radial Highway Common Carrier permit issued by this Commission, operates two trucks and trailers for the transportation of livestock.

Mr. W. D. Stephens, who testified in behalf of respondent, Eugene N. Stephens, stated that 90 per cent of all transportation of livestock performed by respondent was within five miles of the Los Angeles Union Stock Yards; that 75 per cent of all his livestock transportation was intra-city in Vernon. Exhibit No. 5, introduced in evidence in this proceeding, shows the origin and destination of all transportation of livestock performed by respondent during the months of December, 1937, and January, 1938.

A careful review of all of the evidence introduced in this proceeding would indicate and we so find that the operations conducted by respondent, Eugene N. Stephens, are not those of a highway common carrier requiring a certificate of public convenience and necessity.

C. K. Willis

C. K. Willis, in Application No. 22207, applied for a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of livestock, which application was denied by this Commission's Decision No. 32940, dated March 26, 1940. The record in that proceeding indicated that C. K. Willis was no longer in the livestock transportation business, so that the instant proceeding, in so far as it relates to him, may be dismissed.

In view of the foregoing, the above entitled proceeding should be dismissed.

Good Cause Appearing,

IT IS HEREBY ORDERED that the above entitled proceeding be and the same is hereby dismissed.

Dated at San Francisco, California, this 17th day of September, 1940.

Ray L. Rice
Francis R. Durkin
Raymond A. DeFuria
H. B. M.
Justus J. Caenen
Commissioners.