

Decision No. 33682

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, con-)
tracts and practices, of CHARLES S.)
DEAN, an individual, doing business)
as UNEEDA VAN & STORAGE.)

ORIGINAL

Case No. 4552

CHARLES S. DEAN, in propria persona.

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 33668, dated November 19, 1940, issued in the above-entitled proceeding, respondent Dean was found to have engaged in transporting uncrated used household goods, furniture, and personal effects on April 12, 1940, at rates less than the established minimum rates, between 118 East 94th Street, Los Angeles, and 2617 Gladys Avenue, Monterey Park, and in the finding it was declared that said addresses are "both in the City of Los Angeles, State of California." Dean, accordingly, was ordered to cease and desist from charging and collecting less than the minimum rates "established by the Commission for transportation of property for compensation or hire by motor vehicle over the public highways in any City or City and County in the State, as a carrier, as that term is defined in the City Carriers' Act."

Monterey Park, however, is not within the city limits of the City of Los Angeles, and the statement to the contrary in the opinion was inadvertent and erroneous. The offense, therefore, was^a violation of the provisions of the Highway Carriers' Act (Stats. 1935, Ch. 223, as amended), and not the City Carriers' Act. The findings and order contained in said Decision No. 33668 should accordingly be corrected. In addition, the reference to Section 13 of the City Carriers' Act, in the last paragraph of page 3 of said Decision No. 33668, should correctly be Section 14 of the Highway Carriers' Act.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that the order in said Decision No. 33668 be and the same is hereby amended to read as follows:

NO R D E R

"Public hearing having been held, the matter having been duly submitted, and the Commission now being fully advised,

IT IS HEREBY FOUND that respondent Charles S. Dean did, on April 12, 1940, engage in the transportation of uncrated household furniture and personal effects for compensation as a business over the public highways of the State of California between 118 East 94th Street, in the City of Los Angeles, and 2617 Gladys Avenue, in the City of Monterey Park, by means of a motor vehicle as a highway carrier, as the term "highway carrier" is defined in Section 1(f) of the Highway Carriers' Act (Stats. 1935, Ch. 223, as amended) other than a highway common carrier as the term "highway common carrier" is defined in Sec. 2-3/4 of the Public Utilities Act (Stats. 1915, Ch. 91, as amended) at rates less than the minimum rates prescribed therefor in and by virtue of Decision No. 32325, issued in Case No. 4086, in violation of said decision and of said Highway Carriers' Act.

"IT IS HEREBY ORDERED that Charles S. Dean immediately cease and desist and hereafter abstain, directly or indirectly or by any subterfuge or device, from charging or collecting any rate or rates less than the minimum rates therefor established by the Commission for the transportation of property for compensation or hire by means of a motor vehicle over any public highways in this State as a highway carrier, as that term is defined in the Highway Carriers' Act (Stats. 1935, Ch. 223, as amended).

"In all other respects said Decision No. 33668 shall remain in full force and effect."

IT IS HEREBY FURTHER ORDERED that the Secretary of the Commission shall cause a certified copy of this decision to be served upon said respondent.

Dated at San Francisco, California, this 26th day of November, 1940.

Ray L. Riley
Frank D. Decker
H. Baker
Justus F. Cuevas
Commissioners.