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Decision No. 34387

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 PETER RAVALIN and SALVADORE JIMINEZ Case No. 4590

PETER RAVALIN, in Propria Persona
SALVADORE JIMINEZ, in Propria Persona

BY THE COMMISSION:

O P I N I O N

On April 1, 1941 this proceeding was instituted by the Commission on its own motion to determine whether or not Peter Ravalin and Salvadore Jiminez, co-partners, are engaged in the business of transportation of property as a highway common carrier between Sunnyvale and territory proximate thereto, on the one hand, and San Francisco, on the other hand, without a certificate of public convenience and necessity or other operative right therefor, and in violation of their permits to operate as a contract, radial, and city carrier. A public hearing thereon was had before Examiner Paul on May 26, 1941, and the matter having been taken under submission is now ready for decision.

Ravalin and Jiminez appeared in person. Jiminez testified that he was never very active in the firm of Ravalin and Jiminez and that the partnership was dissolved on March 1, 1941, when he withdrew from the business, and requested that the investigation as to him be dismissed. The evidence shows that the Commission, on March 5, 1941, revoked the permits held by the partnership because of its dissolution, and on March 10, 1941 issued radial highway common

(1) The permits revoked were as follows: Radial Highway Common Carrier Permit No. 43-175, City Carrier Permit No. 43-176 and Highway Contract Carrier Permit No. 43-743.

carrier and highway contract carrier permits to Ravalin. Since March 10, 1941 the business has been conducted by Ravalin as an individual.

The record clearly shows that the operation formerly conducted by the partnership was that of a highway common carrier and that Ravalin, one of the members of the former partnership, is now undertaking to serve the same shippers between the same points. The record also shows that the current shipping season of most of the witnesses who testified at the hearing has not started; that for some of them it is just beginning, and that for the remainder it began only a short time before the hearing of this matter and it may well be that if Ravalin provides the same service as that formerly provided by the partnership without a highway common carrier certificate, it would be in violation of Section 50-3/4 of the Public Utilities Act.

The evidence showing that the respondent partnership was dissolved and its permits revoked by the Commission before the institution of this proceeding to determine whether the partnership is operating as a highway common carrier without an operative right therefor, and in violation of its permits, the investigation should be dismissed.

O R D E R

A public hearing having been held in the above-entitled proceeding, evidence having been received, and the matter having been duly submitted,

IT IS ORDERED that the above-entitled investigation is dismissed.

Dated at San Francisco, California, this 1<sup>st</sup> day of

July, 1941.

W. L. Kelly  
Ray & Perry  
Justice J. Cameron  
Francis R. Havenor  
Hubert H. Haskins