

ORIGINAL

Decision No. 36346

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,)
classification, rules, regulations,)
contracts and practices of JAMES E.)
SMITH, doing business as PARAFFINE)
PRODUCTS TRUCKING COMPANY and GOLDEN)
WEST TRUCK COMPANY, EVANS FREIGHT)
LINES, INC. and GOLDEN GATE TRANS-)
PORTATION COMPANY, INC.)

Case No. 4545

BAKER, COMMISSIONER:

Appearances

Alfred P. Peracca and Henry N. Cowan, for Trustees in Bankruptcy
L. C. Faus, as Agent for Trustees,
T.A.L. Loretz, for Rich Manufacturing Co.

OPINION AND ORDER

This proceeding is an investigation on the Commission's own motion for the purpose of determining whether or not respondents, while holding radial highway common or highway contract carrier permits, have been or are subject to or in violation of the long-and-short-haul provisions of Article XII, Section 21 of the State Constitution, and, if so, whether or not any undercharges resulted therefrom which they or their respective trustees in bankruptcy should be directed to collect.

Prior to hearing, counsel for the Commission's transportation department filed a written motion to discontinue the investigation, supported by a memorandum of points and authorities. Public hearing was scheduled for the purpose of receiving argument on the

motion, but at the hearing an agreement was reached that in lieu of oral argument the case might be submitted on written memoranda. Subsequently, respondents informed the Commission that they did not desire to file a memorandum, and that as far as they were concerned the investigation might be discontinued. Therefore, good cause appearing,

IT IS HEREBY ORDERED that the investigation instituted in Case No. 4545 be and it is hereby discontinued.

The effective date of this order shall be twenty (20) days from the date hereof.

The foregoing opinion and order is hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 11th day of May, 1943.

Francis R. Havenue
J. Baker
Justice J. Cameron
Frank C. O'Connell
Richard H. Harkness

Commissioners