Cs.	4578	GN

Decision No. \_\_\_\_\_

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA FRANK CAUDANA, Complainant VS. PACIFIC FREIGHT LINES COMPANY a corporation, Defendant. Case No. 4578

GWYN H. BAKER, for complainant. WALLACE K. DOWNEY, for defendant.

BY THE COMMISSION:

## <u>O P I N I O N</u>

In this proceeding complainant Frank Caudana alleged that defendant Pacific Freight Lines, a corporation, had been operating, without proper authority, as a highway common carrier between Bakersfield and Wasco. Defendant admitted its operations between these points but denied it lacked authority to do so. By stipulation of the parties the matter was submitted without a public hearing, upon briefs which subsequently were filed.

The Commission has been advised by the complainant that in view of his application to transfer to Robert Garden certain operations, including an operative right between Bakersfield and Wasco (Application No. 26079), he has no further interest in the instant proceeding should the proposed transfer be authorized; and he requests that concurrently with any decision authorizing such a transfer, the complaint herein be dismissed.

The application of complainant to transfer his operations was granted by Decision No. 37219, rendered July 20, 1944.

-1-

Cs. 4578

Accordingly, the complaint herein will be dismissed.

## ORDER

The above entitled matter being at issue; the complainant herein having requested the dismissal of said proceeding; and good cause appearing therefor:

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

The effective date of this order shall be the date hereof.

Dated at <u>San Francisco</u>, California, this <u>8 th</u> day of <u>Puppent</u>, 1944.