

ORIGINAL

Decision No. 41186

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on) the Commission's own motion into the) operations, etc., of H. F. REILLEY) Case No. 4896 (CALIFORNIA FIREPROOF STORAGE AND) TRANSFER COMPANY).)

Boris H. Lakusta, of the Commission's staff, for the Field Division; Spurgeon Avakian, for respondent.

POTTER, Commissioner:

OPINION AND ORDER

This investigation was instituted to determine whether respondent has been operating as a highway common carrier between San Francisco, East Bay points and Stockton without the certificate required by Section 2-3/4 of the Public Utilities Act, or without a prior right. Respondent holds permits issued under the Highway Carriers' and City Carriers' Acts. At the end of the first day's hearing in Stockton on June 30, 1947, the case was adjourned to a date to be set. It has not since appeared on the calendar.

On January 10, 1948, counsel for the Field Division and for respondent entered into a stipulation, filed January 13th, stating that "neither of them desires to present further evidence in the above matter at the present time."

The stipulation may be treated as a request to submit the case on the record. The record, in its present state, does not justify a final conclusion as to the merits of the proceeding.

Therefore, good cause appearing, IT IS ORDERED that the investigation herein be end it is hereby discontinued.

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

The foregoing opinion and order are hereby approved and filed as the opinion and order of the Public Utilities Commission of the State of California.

Dated at San Francisco, California, this 3rd day of February, 1948.

R. Z. [Signature]
Justice F. [Signature]
[Signature]
Harold F. [Signature]
[Signature]
COMMISSIONERS