

ORIGINAL

Decision No. 44112

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Commission investigation into)
the operations and practices)
of R. H. ROBIDEAUX.)

Case No. 5186

Halsey L. Rixford, for the Field Division, Public
Utilities Commission.
R. H. Robideaux, in propria persona.

O P I N I O N

This proceeding was instituted upon the Commission's own motion to determine whether R. H. Robideaux, hereinafter called respondent, has operated as a highway common carrier without having obtained a certificate of public convenience and necessity as required by Section 50-3/4 of the Public Utilities Act.

A public hearing was held in San Francisco before Examiner Gillard on April 4, 1950, and the matter submitted for decision.

It was stipulated that respondent possesses city, highway contract and radial highway common carrier permits and that he does not possess any certificated or prescriptive right to operate as a highway common carrier; that since November, 1935, he has owned, controlled, operated or managed one or more auto trucks used in the transportation of property for compensation over public highways in California; that since May 1, 1947, he has maintained an office and terminal at 95 Clay Street, Oakland.

An employee of the Commission's field division testified that in an interview with respondent, the latter stated he was

serving San Francisco, the East Bay Drayage area, Sacramento, Stockton, Modesto, Fresno and intermediate points, using U. S. Highways 40, 50, 99 and 101 and State Highways 17 and 24.

This employee examined respondent's records for the period January 1 to September 30, 1949, and from them prepared an exhibit, in evidence herein, listing all inter-city shipments carried by respondent for twelve working days during the period September 15 to September 30, 1949, inclusive. This exhibit sets forth the consignor, consignee, points of origin and destination, commodity, number of shipments, parties who paid the freight charges, parties who engaged respondent and frequency of service between points. All of this data was taken from respondent's freight bills except the designation of parties who engaged respondent, which information was supplied verbally by the respondent.

The exhibit discloses that respondent transported mostly electrical goods and supplies (16 shipments out of the 879 total were hardwood lumber destined to wood working shops; all others were electrical goods and supplies) from Oakland and San Francisco, and between those two points, to nine East Bay cities and Sacramento, Lodi, Stockton, Modesto, Fresno, and intermediate points. There were also a few shipments from Emeryville to San Francisco (two) and Sacramento (four); from Sacramento to Oakland (seven); from Stockton to San Francisco (one) and Merced (one).

The number of days of service (out of the 12 working days covered by the investigation) between the points involved are shown in the following table:

<u>To</u>	<u>From</u>	<u>Oakland</u>	<u>San Francisco</u>
San Francisco		12	-
Oakland		-	12
Emeryville		5	10
Berkeley		6	9
El Cerrito		4	5
Richmond		6	10
Vallejo		-	1
Piedmont		3	-
Alameda		5	8
San Leandro		2	-
Hayward		-	3
Castro Valley		-	1
Sacramento		12	12
Del Paso Heights		1	-
Lodi		4	1
Stockton		3	7
Modesto		6	6
Chowchilla		-	1
Fresno		12	7

It thus appears that between San Francisco and Oakland, and between those points on the one hand, and the perimeter of his operations - Sacramento on the north and Fresno on the south - respondent was rendering daily service, with varying degrees of frequency of service to intermediate points.

Respondent did not testify nor present any evidence in his own behalf.

We find that respondent has been engaged in the transportation of property for compensation as a highway common carrier between fixed termini and over regular routes, to-wit: between San Francisco and Oakland, on the one hand, and Sacramento, Fresno and intermediate points, on the other hand, without having first secured the requisite certificate of public convenience and necessity, in violation of Section 50-3/4 of the Public Utilities Act.

On October 28, 1941, in Decision No. 34714 (43 CRC 781) this respondent was found to be a highway common carrier of electrical goods and supplies between San Francisco, on the one hand, and Oakland, Alameda, Hayward, San Leandro, Piedmont, Berkeley, Albany, El Cerrito and Richmond, on the other hand, and was ordered to cease and desist from that operation. It now appears that not only did respondent not stop that operation, but in addition expanded it to include the valley points mentioned.

O R D E R

A public hearing having been held in the above-entitled matter, and based upon the evidence adduced and the findings set forth in the opinion,

IT IS ORDERED:

(1) That R. H. Robideaux be and he is hereby directed to cease and desist from operating, directly or indirectly, or by any subterfuge or device any auto truck as a highway common carrier (as defined by Section 2-3/4 of the Public Utilities Act), for compensation, over the public highways of the State of California, between fixed termini, to-wit: between San Francisco and Oakland, and between such termini, on the one hand, and Emeryville, Berkeley, El Cerrito, Richmond, Vallejo, Piedmont, Alameda, San Leandro, Hayward, Castro Valley, Sacramento, Del Paso Heights, Lodi, Stockton, Modesto, Chowchilla and Fresno, on the other hand, unless and until said R. H. Robideaux shall have obtained from this Commission a certificate of public convenience and necessity therefor.

(2) That Radial Highway Common Carrier Permit No. 1-3202 and Highway Contract Carrier Permit No. 1-1736 heretofore issued to R. H. Robideaux be and they are hereby suspended until for good cause shown the Commission by supplemental order herein removes such suspensions.

The Secretary is directed to cause a certified copy of this decision to be personally served upon R. H. Robideaux.

The effective date of this order shall be twenty (20) days after the date of such service.

Dated at San Francisco, California, this 2nd day of May, 1950.

R. E. Anderson

Ernest A. Russell

Harold P. Kula

James H. Potter
COMMISSIONERS

Commissioner Justus E. Craemer, being necessarily absent, did not participate in the disposition of this proceeding.