

ORIGINAL

Decision No. 48238

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation respecting the operations)
of GEORGE L. HALL, GEORGE R. ANDERSON,)
WARD G. WALKUP, S. W. WILLIAMS and)
R. J. OLSON, doing business as HALL)
CONSOLIDATING COMPANY.)

Case No. 5396

John Power, for Commission Staff.

Douglas Brookman, for Ward G. Walkup and R. J. Olson, respondents.

William Meinhold, for Southern Pacific Company and Pacific Motor Trucking Company, interested parties.

E. J. McSweeney, for Pacific Freight Lines and Pacific Freight Lines Express, interested parties.

O P I N I O N

This is an investigation instituted on the Commission's own motion to determine:

(1) What, if any, operations have been conducted by George L. Hall, George R. Anderson, Ward G. Walkup, S. W. Williams and R. J. Olson or any of them under the claim of express or freight forwarder rights or both;

(2) What, if any, express or freight forwarder rights, or both, any such persons may have possessed or may possess.

(3) Whether the express or freight forwarder rights, or both, which one or more of such persons at any time may have possessed, should be revoked and annulled because of unauthorized abandonment and whether the tariffs, along with supplements and revisions, filed in connection therewith, should be revoked and cancelled.

Public hearing was held on January 12, 1953, in San Francisco before Commissioner Mitchell and Examiner Rowe. Oral and documentary evidence was adduced and the matter duly submitted for decision.

According to the evidence of record respondent Hall commenced operating as a freight forwarder in 1931 under the name of Hall Consolidating Company. On January 20, 1932, he entered into a written agreement for the sale of his operating rights to respondent Anderson who was subsequently employed by Walkup Drayage and Warehouse Company and Merchants Express Corporation. Respondents Williams and Olson were also employees of said corporations. Olson is now so employed while Williams is now not connected with either company.

Respondent Williams submitted an affidavit disclaiming any interest in Hall Consolidating Company or in any rights which may have been held by Hall Consolidating Company or any operating rights by prescription or grant of this Commission. Also, according to the evidence both Hall and Anderson are now deceased. The Commission staff requested a dismissal as to respondents Hall and Anderson because of their being deceased.

Respondent Olson, although he appeared by counsel at the hearing, asserted no claim to any operating rights derived from either said Hall or Anderson. Respondent Walkup testified that respondent Anderson after becoming employed by the witness stated that he, Walkup, was Hall Consolidating Company. In addition annual reports have each year been filed with the Commission by Hall Consolidating Company and recently have been signed by Walkup as manager. During the last ten years these reports show no revenue received by Hall Consolidating Company. A tariff of said company is also on file with the Commission, designated as Hall Consolidating Company (Freight Forwarders) Local Express Tariff No. 3 Cal. P. U. C. No. 3 and Special Supplements thereto and reissues thereof.

The Commission finds that any operative rights held in the name of Hall Consolidating Company were transferred to respondent Anderson by respondent Hall, that both Hall and Anderson are now

deceased, that any attempted or purported transfer of such rights to respondent Walkup or to any other person or persons, individual or corporate were ineffectual and void not having been approved and authorized by this Commission as required by law, that any prescriptive operative rights held by Hall and Anderson have been abandoned, are not required by public convenience and necessity, and are no longer in force or effect, and that said rights and the tariff above referred to should be ordered revoked and cancelled.

O R D E R

Public hearing having been had in the above-entitled proceeding, evidence having been received and duly considered and the matter having been submitted, the Commission now being fully advised and basing its order upon the findings and conclusions set forth in the preceding opinion,

IT IS ORDERED:

(1) That the operating rights acquired or held by George L. Hall and George R. Anderson doing business under the name of Hall Consolidating Company be, and they are, revoked and cancelled.

(2) That Hall Consolidating Company (Freight Forwarders) Local Express Tariff No. 3, Cal. P. U. C. No. 3, together with all special supplements and reissues thereof be, and they are, cancelled and revoked.

(3) That the above-entitled investigation be, and it is, dismissed as to respondents Hall, Anderson and Williams.

The Secretary of this Commission is directed to cause a certified copy of this decision to be personally served upon

respondent Walkup and upon respondent Olson.

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

Dated at ~~San Francisco~~ ^{LOS ANGELES}, California, this 2nd day of February, 1953.

[Signature]
PRESIDENT

[Signature]

[Signature]

[Signature]

[Signature]
COMMISSIONERS