

ORIGINAL

Decision No. 50577

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

THE RIVER LINES, INC., a corporation,)
Complainant,)

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY)
COMPANY, FEATHER RIVER RAILWAY COMPANY,)
McCLOUD RIVER RAILROAD COMPANY, QUINCY)
RAILROAD COMPANY, SACRAMENTO NORTHERN)
RAILWAY, SOUTHERN PACIFIC COMPANY, THE)
WESTERN PACIFIC RAILROAD COMPANY and YREKA)
WESTERN RAILROAD COMPANY,)

Intervenors,)

vs.)

Case No. 5486

THOMAS CROWLEY, THOMAS B. CROWLEY, CROWLEY)
LAUNCH AND TUGBOAT COMPANY, a corporation,)
ACE BARGE COMPANY, a corporation, BAY CITIES)
TRANSPORTATION COMPANY, a corporation,)
CALIFORNIA TUGBOAT COMPANY, a corporation,)
HARBOR TRANSPORTATION COMPANY, a corporation,)
THE HARBOR TUG AND BARGE COMPANY, a corpora-)
tion, OIL TERMINALS, INC., a corporation,)
SHIPOWNERS & MERCHANTS TOWBOAT COMPANY, LTD.,)
a corporation, SHIPOWNERS & MERCHANTS TUGBOAT)
COMPANY, LTD., a corporation, UNITED TOWING)
CO., a corporation, JOHN DOE Nos. 1 through)
10 and DOE CORPORATION Nos. 1 through 50,)
corporations,)

Defendants.)

ORDER REQUIRING WITNESSES TO ANSWER CERTAIN QUESTIONS
PROPOUNDED TO THEM DURING THE TAKING OF THEIR DEPOSITIONS
AND SUSTAINING OBJECTIONS TO CERTAIN OTHER SUCH QUESTIONS

Having considered the questions set out in Exhibits B, C and D to complainant's petition for order requiring witnesses to answer questions propounded to them during the taking of their depositions and the objections thereto, and having referred to and considered all of the files, records, documents and correspondence in this case, including those specifically set forth in the stipulation submitting complainant's petition for order requiring witnesses

to answer questions propounded to them during the taking of their depositions, and pursuant to said stipulation having taken complainant's said petition under submission without further hearing, the Commission hereby makes its ruling upon each and all of the questions which are set out in Exhibits B, C and D to the said petition as follows:

A. The objections to the following questions set forth in Exhibit B attached to the petition for order requiring witnesses to answer questions propounded to them during the taking of their depositions are overruled, and Thomas Crowley is directed to answer said questions:

Exhibit B, Questions Nos. 8 (2nd), 11(2nd), 21, 30, 44(1st), 46, 49, 130, 133, 134, 135, 136(1st and 2nd), 136(a) (1st and 2nd), 141, 142, 144(1st), 146, 148(1st and 2nd), 149, 150(1st and 2nd), 155, 167, 168(1st), 173.

B. The objections to the following questions set forth in said Exhibit B are sustained:

Exhibit B, Questions Nos. 3(*1st and *2nd), *4, 7, 8(1st), 11(1st), 13, 14, 24, 44(2nd), 45(1st and 2nd), 50(*1st, 2nd and 3rd), 57, 64(*1st, *2nd, *3rd and *4th), 64(*3rd and *4th), 68, 71(*1st and *2nd), 73, 75, 143, 144(2nd), 145, 151, 168(2nd), 172, 175, 178(1st through 7th), 179(1st through 16th), 180(1st and 2nd), 181, 182, 183.

* Asked and answered elsewhere in the deposition.

C. The objections to the following questions set forth in Exhibit C attached to said petition are overruled, and Thomas C. Crowley is directed to answer said questions:

Exhibit C, Questions Nos. 3, 4(1st and 2nd), 21, 23(1st and 2nd), 25(1st through 5th), 26(1st, 2nd and 3rd), 29(1st and 2nd), 31, 33(1st through 5th), 51, 61, 62(1st through 5th), 63(1st through 6th), 64, 71, 72, 73(1st and 2nd), 74, 75, 76, 80, 82, 83(1st, 2nd and 3rd), 84(1st and 2nd), 85(1st through 5th), 86(1st through 4th), 87(1st, 2nd and 3rd), 89(1st, 2nd and 3rd), 90(1st and 2nd), 92(1st and 2nd), 97(1st, 2nd and 3rd), 98(1st, 2nd and 3rd), 104(1st and 2nd), 105(1st and 2nd), 106(1st and 2nd), 119(1st and 2nd), 120, 121, 122, 132, 134, 136, 137, 138, 139, 141(1st and 2nd), 142(1st, 2nd and 3rd), 143(1st through 4th), 144(1st, 2nd and 3rd), 145(1st, 2nd and 3rd), 146, 148(1st and 2nd), 151(1st and 2nd), 153, 154(1st, 2nd and 3rd), 156, 157(1st and 2nd), 158(1st, 2nd and 3rd), 161(1st and 2nd), 162(1st and 2nd), 164(1st and 2nd), 165(1st and 2nd), 166, 167(1st, 2nd and 3rd), 168 (1st and 2nd), 169, 170(1st and 2nd), 171, 176, 177(1st through 4th), 179(1st and 2nd), 181(1st) 182, 186(1st, 2nd and 3rd), 187(1st through 5th), 188, 189, 190(1st, 2nd and 3rd), 191(1st through 4th), 192(1st and 2nd), 195(1st through 8th), 198(1st and 2nd), 201(1st and 2nd), 202(1st through 5th), 207(1st and 2nd), 208(1st, 2nd and 3rd), 209, 211(1st and 2nd), 212(1st and 2nd), 213(1st through 5th), 217(1st, 2nd and 3rd), 218(2nd and 3rd), 246(2nd and 3rd), 247(1st and 2nd), 248, 257, 279, 287, 288(1st and 2nd), 289(1st through 6th), 290(1st through 7th), 291(1st and 2nd), 293(1st through 4th), 294(1st through 6th), 295(1st and 2nd), 296(1st through 4th), 297(1st through 5th), 298(1st, 2nd and 3rd), 300, 301(1st and 2nd), 302(1st and 2nd), 303, 305(1st and 2nd), 308(1st through 5th), 310, 315(3rd, 4th and 5th), 316(1st, 2nd and 3rd), 317(1st through 6th), 318(1st through 4th), 319(1st and 2nd),

320(1st), 321(1st through 4th), 323(1st and 2nd), 324(1st and 2nd), 325(1st and 2nd), 326(1st and 2nd), 327, 332, 333, 350(1st and 3rd), 351(2nd, 4th and 6th), 352(1st through 4th), 355, 360(1st and 2nd), 364(1st through 4th), 365, 366, 368, 369, 370(1st, 2nd and 3rd), 371(1st through 9th), 372(1st through 7th), 373(1st through 8th), 374(1st through 5th).

D. If the answers to other questions which Thomas B. Crowley is directed to answer in this order develop the facts which are assumed in any of the following questions set forth in Exhibit C attached to said petition, the objections to such questions are overruled and Thomas B. Crowley is directed to answer such questions:

Exhibit C, Questions Nos. 319(3rd and 4th), 320(2nd).

E. The objections to the following questions set forth in said Exhibit C are sustained:

Exhibit C, Questions Nos. 13, 15, 50, 52, 53, 70, 174, 181(2nd), 183(1st and 2nd), 218(1st and 4th), 220(1st and 2nd), 237, 240(1st and 2nd), 246(1st), 276, 283, 284, 292, 312(1st, 2nd and 3rd), 313, 314(1st, 2nd and 3rd), 315(1st and 2nd), 319(5th), 322, 353, 354, 359(1st through 4th),

F. The objections to the following questions set forth in Exhibit D attached to said petition are overruled, and Albert D. Elledge is directed to answer said questions.

Exhibit D, Questions Nos. 11(1st and 4th), 14, 15(1st, 2nd and 3rd), 19(1st, 2nd and 3rd), 22(1st and 2nd), 23(1st, 2nd and 3rd), 28(1st and 2nd), 29(1st through 5th), 30(1st through 3rd, providing the answers to other questions which the witness is herein directed to answer show that Hooper & Company is a stockholder of Harbor Tug & Barge Company), 44(1st and 2nd), 64(2nd), 65(1st, 2nd and 4th), 66(2nd), 67, 68, 69(1st through 6th), 70(1st through 8th and 10th),

71(1st through 7th), 72(2nd through 6th), 73, 75(1st, 2nd and 3rd), 77(2nd, 3rd and 4th), 78(1st, 2nd and 5th through 10th), 79(1st through 4th), 82(1st through 4th), 85(1st and 2nd), 94(1st, 2nd and 3rd), 95, 96(1st and 2nd), 97(5th, 6th and 7th), 98(2nd and 3rd), 99(2nd), 106, 107, 109(1st through 3rd), 128, 129(1st and 2nd), 147, 150, 161, 162, 169, 170, 171(1st and 2nd), 172(1st, 2nd and 3rd), 176(1st and 2nd), 177, 178(1st), 179(3rd through 7th), 180, 182(1st), 185(1st and 2nd), 186, 188(1st), 189(3rd), 190, 192(1st and 2nd), 193(1st through 6th), 194(1st through 10th), 199(2nd), 202.

G. If the answers to other questions which Albert D. Elledge is directed to answer in this order develop the facts which are assumed in any of the following questions set forth in Exhibit D attached to said petition, the objections to such questions are overruled and Albert D. Elledge is directed to answer such questions:

Exhibit D, Questions Nos. 65(3rd), 66(1st), 70(9th), 72(1st), 78(3rd and 4th), 96(3rd through 6th), 97(1st through 4th, 8th and 9th), 98(1st, 4th, 5th and 6th), 99(1st and 3rd through 7th), 100(1st through 5th), 179(1st and 2nd), 182(2nd, 3rd and 4th), 183(1st and 2nd), 188(2nd).

H. The objections to the following questions set forth in said Exhibit D are sustained.

Exhibit D, Questions Nos. 11(2nd and 3rd), 12, 30(4th, 5th and 6th), 36, 40(1st and 2nd), *47, *59, 60(*1st, *2nd, *3rd and *4th), *63, 64(1st), 71(8th), 77(1st), 92, 130, 131, 137, *149, 178(2nd), 184(1st and 2nd), 187(1st and 2nd), 189(1st and 2nd), 191(1st and 2nd), 198, 199(*1st), 201, 203(1st, 2nd and 3rd).

* Asked and answered elsewhere in the deposition.

It is hereby further ordered that upon request of the attorneys for the complainant herein the Secretary of this Commission shall return the original depositions in this proceeding of Thomas Crowley, Thomas B. Crowley and Albert D. Elledge, to Gagan & McDaniels, official reporters and notaries, for completion.

This order shall be effective upon the date hereof.

Dated at San Francisco, California, this 21st day of September, 1954.

R. E. McMillan President
James F. Casper
Harold Pottor
Gene Higgins
Commissioners