

ORIGINALDecision No. 57500

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the operations,)
 rates, and practices, of HIGHWAY) Case No. 5940
 TRANSPORT, INC.)

INTERIM OPINION AND ORDER

The above-entitled matter was taken under submission on January 27, 1958. A petition has been filed with the Commission by its staff requesting that the submission be set aside, that the matter be reopened for further hearing, and that the Commission issue an amended order of investigation naming Highway Transport Express, a corporation, as a respondent. Respondent Highway Transport, Inc., has filed a motion to strike this petition from the record.

It is the Commission's opinion that the petition should be granted and the motion denied.

Therefore, good cause appearing,

IT IS ORDERED:

1. That the submission heretofore entered in the above-entitled matter is set aside and the matter reopened for further proceedings and that public hearing be held before such Commissioner or Examiner at such time and place as may be hereafter designated.

2. That the order instituting investigation in this matter is hereby amended to read as follows:

"It appearing that Highway Transport, Inc., a corporation, whose address is 195 Channel Street, San Francisco, California, transports property as a highway common carrier as defined in Section 213 of the Public Utilities Code; and

"It appearing further that Highway Transport Express, a corporation, whose address is 195 Channel Street, San Francisco,

California, operates as an express corporation as defined in Section 219 of the Public Utilities Code; and

"It appearing that Highway Transport, Inc., and Highway Transport Express, or either of them, may have violated Section 494 of the Public Utilities Code; and

"It further appearing that Highway Transport Express may be the alter ego of Highway Transport, Inc.; and good cause appearing,

"IT IS ORDERED that an investigation on the Commission's own motion is hereby instituted into the operations, rates and practices of said respondents for the purpose of determining:

"1. Whether Highway Transport, Inc., and Highway Transport Express, or either of them, have violated or are violating Section 494 of the Public Utilities Code by charging, demanding, collecting, or receiving a different compensation for the transportation of property, or for a service connected therewith, than the applicable rates and charges specified in their tariff schedules filed and in effect at the time of the transportation.

"2. Whether Highway Transport, Inc., and Highway Transport Express, or either of them, should be ordered to collect from the consignor or the consignee (whoever is liable for the freight charges) all undercharges for services performed by Highway Transport, Inc., and Highway Transport Express.

"3. Whether any or all of the operating authority of Highway Transport, Inc., and Highway Transport Express, or either of them, should be canceled, revoked, or suspended.

"4. Whether Highway Transport, Inc., and Highway Transport Express, or either of them, should be ordered to cease and desist from any or all unlawful operations or practices.

"5. Whether Highway Transport Express is the alter ego of Highway Transport, Inc.

"6. Whether any other order or orders that may be appropriate should be issued in the lawful exercise of the Commission's jurisdiction.

"The scope of the above investigation includes, but is not limited to, that transportation performed for McKesson and Robbins, Inc., as shipper from San Francisco to Peninsula points. As representative of the aforementioned traffic, transportation performed on January 2 and 3, 1957 will be considered.

"Public hearing in the above investigation shall be held before such Commissioner or Examiner and at such time and place as may be hereafter designated.

"The Secretary is directed to cause a certified copy of this order to be personally served upon Highway Transport, Inc., and Highway Transport Express and to cause appropriate notice of hearing to be mailed to Highway Transport, Inc., and Highway Transport Express at least ten days before such hearing."

3. The Secretary is directed to cause a certified copy of this interim opinion and order to be personally served upon Highway Transport, Inc., and Highway Transport Express and to cause appropriate notice of hearing to be mailed to Highway Transport, Inc., and Highway Transport Express at least ten days before such hearing.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 3rd day of November, 1958.

[Handwritten signatures and stamps]
President
Commissioners