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Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
 own motion into the operations,)
 rates and practices of STANDARD)
 FREIGHT LINES, a corporation.)

Case No. 7599

Bertram S. Silver, for respondent.
Donald B. Day, for the Commission staff.

O P I N I O N

On April 23, 1963 the Commission instituted its investigation into the operations, rates, and practices of Standard Freight Lines.

Public hearing was held before Examiner Porter on August 12, 1963, at San Francisco, on which date the matter was submitted.

The purpose of this investigation is to determine whether respondent in violation of Public Utilities Code, Section 3571, engaged in the business of transportation of property for compensation by motor vehicle on the public highway in the State without first having obtained from this Commission a permit authorizing such operation.

The fact that Standard Freight Lines operated for a period of time as a highway carrier without first having obtained a permit authorizing such operation is not in dispute.

The evidence shows that Standard Freight Lines is the successor of Standard Freight Lines, Inc. which held permitted authority. The separate entity of corporations was not observed and either through carelessness or inadvertence the new entity, Standard Freight Lines, was regarded as just a continuance of the

old entity and there was no transfer of authority nor did the respondent obtain new authority.

Discussion

It is incumbent upon individuals or corporations when for various reasons they change their legal status to be sure that such status change is truly reflected so as to comply with the rules and regulations of the regulatory authority, if any, that would have jurisdiction over their operations. In the instant case the similarity of name of the two corporations had led to confusion and respondent finds itself in the position of having operated as a highway carrier without permitted authority for a period of time.

The records of the Commission show that respondent now possesses radial highway common, highway contract and city carrier permits.

Based upon the evidence of record we find that respondent violated Section 3571 of the Public Utilities Code by operating for a time as a highway carrier without possessing the requisite authority to do so.

O R D E R

IT IS ORDERED that Standard Freight Lines cease and desist now and in the future from operation as a highway carrier for the transportation of property for compensation by motor vehicle on any highway in this State without first having obtained from the Commission a permit or permits authorizing such operation.

