



in the State of California by the State Board of Equalization under the California Motor Vehicle Transportation License Tax Act, Chap. 339, Stats. 1933, approved May 15, 1933, as private carriers and not as common carriers."

Subsequently, Mr. Stelling has filed two amendments to this application, the latest filed April 4, 1934, superseding those previously filed, and stating:

"I intend to sell transportation over the lines of the following motor carriers:

United Stages; Independent Stage Lines; Interstate Transit Co.; Pacific Greyhound Lines, Inc., Boyd's Dollar Line; Victory Stages; Dollar Line, Inc., Union Pacific Stages; Union Pacific Stages of California; Victory Bus Lines, Inc., Golden Eagle Lines; De Luxe Stages; Lincoln Stages; Santa Fe Trail Stages; Nevin-Crandic Lines; West Coast Stages; Golden Eagle Stages; Columbia Pacific Nitecoach Lines, Inc.; Victory Bus Lines, Inc.; also under provisions of Sec. 3, Chapter 390, Stats. 1933, as a M.C.T.A. to negotiate transportation and charter private cars, under Chapt. 339, Stats. 1933, Private carrier, Raine Ewell, 115 - 10th Avenue, San Francisco, State Board of Equalization License 1934- #1457 (Receipt 3/9/34)."

The issuance of a new license to applicant was vigorously protested. Evidence was presented to show that he had violated the condition of the license issued to him in 1933 by selling or negotiating transportation over the lines of carriers not specified in the license granted or in his application therefor. He has also continued to sell transportation during 1934, although his several applications have not yet been acted upon. A number of the carriers for whom his amended application states he is to act as agent repudiate the existence of such authority.

The evidence presented indicates that applicant's principal business has been that of promoting and negotiating for transportation by persons who term themselves private or contract carriers. His position seems to be that since such persons pay a

license tax under the provisions of Chapter 339, Statutes of 1933, they are lawful motor carriers. Whether or not they are truly private carriers is not the question here presented. Under the statute here involved, the agents of all non-certificated motor carriers must obtain a license in the business of selling or negotiating for the sale of such transportation. An application to this Commission for a license under that statute must name all the carriers whom the licensee intends to represent, and the license itself must designate the particular carriers for whom the agent is empowered to act.

It appears from each of the applications filed that Mr. Stelling desires to negotiate transportation for all those so-called private carriers who are licensed by the State Board of Equalization. Although he has listed the name of only one, the evidence before us clearly indicates that he has in the past acted as the agent for many of such carriers, and at the hearing he frankly stated that he intended to represent all those paying a private car license tax under Chapter 339 of the 1933 Statute.

In the light of applicant's past practice, and because his pending application obviously is incomplete and not in conformity with the intent of the licensing statute, it is our opinion that his application for a license should be denied.

O R D E R

The application of Harry L. Stelling, as amended, for a license under the provisions of the Motor Carrier Transportation Agent's License Act having been considered, and the Commission being fully advised;

IT IS HEREBY ORDERED that the said application be and the same is hereby denied.

Dated at San Francisco, California, this 9th day of April, 1934.

W. H. H. H.

Leon C. H. H.

M. J. H.

M. B. H.

M. H. H.

COMMISSIONERS.