

**ORIGINAL**

Decision No. 24026 & 24227

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
DEAN A. CONYERS for a license as a ) Application No. 24026  
Motor Transportation Broker. )

In the Matter of the Application of )  
J. W. MANNING for a license as a ) Application No. 24227  
Motor Transportation Broker. )

RAY D. REESE and ALLEN G. CAMPBELL, by  
Allen G. Campbell, for Applicants.

JACKSON W. KENDALL, for Bekins Van Lines,  
Inc. and California Van and Storage  
Association, Protestants.

C. P. VON HERZEN and C. G. LANG, for Lyon  
Van and Storage association, Protestant.

ARLOE D. POE, for Motor Truck Association of  
Southern California, Interested Party.

E. L. H. BISSINGER, for Southern Pacific  
Company, Pacific Motor Trucking Company,  
Protestants.

PRESTON W. DAVIS, for United Parcel Service,  
Interested Party.

HAROLD J. BLAINE, for United Van & Storage  
Association, Interested Party.

HAVENNER, Commissioner:

O P I N I O N

By the above-numbered applications Dean Conyers and  
J. W. Manning, individuals, respectively seek license certificates  
authorizing them to engage in the business of a motor transporta-  
tion broker pursuant to Chapter 705, Statutes of 1935.

A public hearing in the Conyer's application was had  
in Los Angeles on April 2, 1941 and another on June 11, 1941 in  
the same city, where the Manning application was likewise heard on

a common record, both matters thereupon submitted and they are now ready for decision.

Protests to the granting of the licensing authority herein sought were entered by Bekins Van Lines, Inc., Lyon Van Lines, Inc., California Van and Storage Association, the Southern Pacific Company and Pacific Motor Trucking Company. The Motor Truck Association of Southern California, United Parcel Service and the United Van and Storage Association appeared as interested parties in the proceedings.

Both applicants have, according to the record, fully complied with the essential routine statutory requirements in connection with motor transportation broker proceeding in that they have individually prepared and filed applications, surety bonds, <sup>(1)</sup> list of carriers and letters of authority from said carriers designating them as duly authorized transportation representatives.

Applicants, full-time salaried employees of the American Storage Company of Los Angeles, <sup>(2)</sup> the fictitious entity under which the Pacific States Savings and Loan Association functions as a warehouseman for used household goods, personal effects and office and store fixtures and equipment, appear to be experienced and competent persons fully capable of discharging the duties of a broker.

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- (1) Pacific States Savings and Loan Association has joined in these applications as co-applicant and has furnished the surety bonds of both applicants.
- (2) Located at 3634 Beverly Boulevard, Los Angeles, the address from which the brokerage business of applicants will be conducted.

Testifying in their own behalf, Conyers and Manning both stated that they propose to act as intermediaries between the public storing or proposing to store goods with American Storage Company and carriers to be engaged by said public in transporting its goods into and out of the storage company's warehouse. Aside from arranging for a contract between a particular shipper and a particular carrier, these applicants will not participate in the ensuing proceedings except to arrange for and collect a commission for this service which will be remitted to Pacific States Savings and Loan Association. No carriers, other than those from whom a proper letter of authority has been received, will be represented. No transportation documents will be issued or used and applicants will not arrange for the transportation of any goods owned by or held in the name of American Storage Company or Pacific States Savings and Loan Association.

It appears from the record that Conyers and Manning have arranged to represent approximately fifty carriers, two of whom are certificated and the remainder holding contract, radial and city carrier permits. It further appears that about ninety per cent of the business of the American Storage Company consists of storage of property moving into and out of its warehouse from and to points located in the Los Angeles Metropolitan Area. Applicants, however, do not propose to confine their proposed broker activities to such traffic although it is apparent that the preponderance of their business will be represented by movements of property into and out of storage at American Storage Company's warehouse from and to points within the Los Angeles Metropolitan Area.

Summation of the record in this proceeding shows that applicants are experienced and competent individuals and that they have complied fully with the essential routine statutory requirements for motor transportation brokers. It shows that, essentially the proposals of these applicants are within the purview of the statutory definition of a motor transportation broker.

Protestants in these proceedings advanced the theory that if licensed applicants would, in fact, be authorized to and might well establish a statewide common carrier transportation system in competition with and consequently detrimental to their existing services. Under the circumstances heretofore outlined this position is not tenable and is without foundation because it presumes activities beyond the scope of any motor transportation broker license and further presumes unlawful activities upon the part of one or more of the represented carriers. This, I submit, is outside the issues here involved.

It appears from the record that the licenses sought should issue and I recommend the following form of order

O R D E R

A public hearing having been held in the above-entitled matter, the matter having been duly submitted and the Commission being now fully advised in the premises,

IT IS ORDERED that the respective applications of Dean A. Conyers and J. W. Manning for licenses as Motor Transportation Brokers as defined in Chapter 705, Statutes of 1935, be

and the same are hereby granted and that such a license be issued to each of said applicants subject to the following conditions:

- (1) That each of said licensees shall keep his respective license certificate as Motor Transportation Broker open at all times to public inspection.
- (2) That each of said licensees shall do business as a Motor Transportation Broker only at the location set forth in his application for a license and for the motor carriers hereinafter named, or for whom he may hereinafter from time to time be permitted to do business by any subsequent order or orders of the Commission.

IT IS FURTHER ORDERED that the license of each of said applicants shall authorize him to sell, offer for sale, negotiate for, furnish or provide and hold himself out to sell, negotiate, furnish or provide transportation of property over the public highways of this State to be furnished only by the carriers whose names, addresses and permit numbers follow to-wit:

<u>Name</u>	<u>Address</u>	<u>Permit No.</u>
Earl J. Akins, doing business as Earl's Trucking Co.	4329 Brooklyn Los Angeles	19-10547R 19-10524C
Simon & Jose Arrelanes	3812 E. Fourth St. Los Angeles	19-10506R 19-10507C
George Aselin, doing business as Alco Transfer Company	4614 1/2 S. Broadway Los Angeles	19-1723R 19-1724C
G. E. Bailey, doing business as Holly Serrano Transfer	5515 Hollywood Blvd. Los Angeles	19-9044R 19-9045C
Mrs. Jennie Bailey, doing business as Ford Van & Storage	532 N. La Brea Los Angeles	19-11592R 19-11593C
Ruth E. Banta, doing business as Signal Van & Storage	694 N. Robertson Los Angeles	19-7345R 19-7346C
Harold Bell, doing business as Bell Transfer & Storage	4515 Santa Monica Blvd. Los Angeles	19-1192R 19-1193C

<u>Name</u>	<u>Address</u>	<u>Permit No.</u>
B. W. Belyea, doing business as Belyea Truck Company	6800 S. Alameda St. Los Angeles	19-12683R 19-418C
M. V. Benthussen, doing business as Andy's Transfer	2314 Honolulu Ave. Los Angeles	19-4945R 19-4946C
James Branch, doing business as Roosevelt Van & Storage	1953 Cahuenga Blvd. Los Angeles	19-3735R 19-3736C
Harry T. Brankey	7208 S. Central Los Angeles	19-8986R 19-8987C
H. S. Broom, doing business as Rossmoyne Van & Storage	119 N. Everett Glendale	19-3668R 19-3669C
Ray E. Chapman and Harold T. Olsen doing business as Chapman & Olson Van & Storage	653 N. Commonwealth Los Angeles	19-10371R 19-10372C
Woodrow W. DeWitt, doing business as DeWitt Transfer	8549 Santa Monica Blvd. Los Angeles	19-12342R 19-10372C
Harry D. & Richard D. Fenn, doing business as H. & D. Transfer	5715 Sunset Blvd. Los Angeles	19-1765R 19-3277C
Candido Fernandez, doing business as Fernandez Transfer	1121 N. Alma Los Angeles	19-7972R 19-7973C
Jay T. Fletcher, doing business as Jay's Van and Storage	335 N. Vermont Los Angeles	19-3272R 19-3273C
Edward H. Foley, doing business as Foley Transfer	8515 S. Broadway Los Angeles	19-5481R 19-1679C
Clancy B. Ford, doing business as Clancy's Transfer	1136 N. Central Glendale	19-2800R 19-2801C
Arthur N. Garidelle, doing business as Garidelle's Van & Storage	1216 N. Highland Ave. Los Angeles	19-4239R 19-4240C
W. H. Gibson, doing business as East End Transfer	1632 Colorado Blvd. Eagle Rock	19-192R 19-191C

<u>Name</u>	<u>Address</u>	<u>Permit No.</u>
A. L. Gleason, doing business as Sun Moving & Storage	816 W. 9th St. Los Angeles	19-6784R 19-6785C
F. L. Green, doing business as Green Transfer Van & Storage	8116 Santa Monica Blvd. Los Angeles	19-2202R 19-4161C
Sidney Green, doing business as A. Green Transfer	2818 Southwestern Los Angeles	19-12505R 19-12506C
A. M. Griggs, doing business as Griggs Van Lines	907 E. Haley St. Santa Barbara	42-151R 42-102C
L. H. Hall, doing business as Ace Hi Movers	1228 W. Florence Los Angeles	19-1005R 19-1006C
A. S. Hamill, doing business as A. S. H. Transfer	4322 S. Figueroa Los Angeles	19-3109R 19-1491C
C. W. Hamby, doing business as Hamby's Westside Transfer	656 Silverlake Blvd. Los Angeles	19-759R 19-760C
Frank E. Johnson, doing business as Adam and Eve Transfer	801 S. Kingsley Dr. Los Angeles	19-9193R 19-3044C
William Lawrence Johnson, Jr. doing business as West End Van & Storage	360 N. Union Los Angeles	19-13182R 19-8882C
M. M. Jones, doing business as Lincoln Van & Storage	904 N. Fairfax Los Angeles	19-10138R 19-10139C
William Karperos, doing business as Highland Park Moving	106 North Ave. 56 Los Angeles	19-504R 19-505C
David A. & John J. Kleimer, doing business as Kleimer's Van & Storage	1339 N. Highland Los Angeles	19-12475R 19-12476C
Vincent W. Kuehn, doing business as Kuehn Transfer	703 N. Parkman Ave. Los Angeles	19-1052C
Josephine Lambert, Admin. Estate Bernard Lambert, doing business as Lambert's Van & Storage	1143 N. La Brea Los Angeles	19-11831R 19-11832C

<u>Name</u>	<u>Address</u>	<u>Permit No.</u>
Nelson Lilley and E. A. Harradine, doing business as Lilley-Crescent Van & Storage	122 North Western Los Angeles	19-5458R 19-5459C
C. C. Lind, doing business as Washington Van & Storage	2431 W. Jefferson Los Angeles	19-1238R 19-1239C
Francis A. Lord doing business as Lord Transfer	7307 S. Hobart Blvd. Los Angeles	19-1153R 19-1154C
Allison E. Lorimer, doing business as Al's Transfer & Storage	12546 Ventura Blvd. Los Angeles	19-10697R 19-10698C
Clarence Mason, doing business as Mason Transfer	1146 E. 46th St. Los Angeles	19-13497C
Frank L. Mayer, doing business as Frank's Van & Storage	4760 S. Monica Blvd. Los Angeles	19-8247R 19-8248C
Helmer & Henry McCallson doing business as McCallson Transfer	127 W. Manchester Los Angeles	19-11776R 19-11777C
M. J. McNamara, doing business as Studio Transfer	546 N. Western Los Angeles	19-7423R 19-7424C
Marion G. Miles, doing business as Miles Transfer	4250 Melrose Ave. Los Angeles	19-8695R 19-8697C 19-8696H
Harry N. Miller doing business as Miller Transfer	1058 S. Main Los Angeles	19-9145R 19-9179C
Arthur Mosquera, Sr. & A. B. Mosquera, doing business as Art's Trans. Van & Storage	1332 N. La Brea Los Angeles	19-12163R 19-12164C
Roy O. Nelson, doing business as Hollywood Van & Storage	5612 Harold Way Los Angeles	19-375R 19-2594C
H. G. O'Dean, doing business as O'Dean Transfer	2806 W. Avenue 34 Los Angeles	19-1975R 19-1976C
Max Palestine, doing business as Max Palestine Transfer	3450 Ramona Blvd. Los Angeles	19-5958C 19-5959C



<u>Name</u>	<u>Address</u>	<u>Permit No.</u>
Elizabeth Paul, doing business as Paul's Transfer	1740 W. 6th Los Angeles	19-296R 19-2320C
Ruth E. Peake, doing business as Beverly Transfer Company	8927 Beverly Blvd. Los Angeles	19-1568R 19-1569C
W. C. Perry	1429 House Blvd. Los Angeles	19-301R 19-302C
Harvey Phillips, doing business as Harvey Phillips Transfer	5843 Santa Monica Blvd. Los Angeles	19-3958R 19-3959C
James A. Poley, doing business as Hollywood Angeles Transfer	6711 Sunset Blvd. Los Angeles	19-12708R 19-12709C
T. H. Roach, doing business as Hill Side Van & Storage	2836 Sunset Blvd. Los Angeles	19-3001R 19-3002C
Harold J. Russell, doing business as Black Swan Van	1116 E. 48th St. Los Angeles	19-12570R 19-12571C
Jack Schaeffer	2536 E. Second St. Los Angeles	19-6454R 19-6455C
Samuel C. Shine	6618 Santa Monica Blvd. Los Angeles	19-424R 19-425C
Dan C. Short, doing business as Short's Transfer Company	6155 York Blvd. Los Angeles	19-1214R 19-1215C
Aron M. Smith doing business as Turner Moving & Storage Co.	4762 Sunset Blvd. Los Angeles	19-991R 19-992C
H. B. Smith & Frank P. Moriarty, doing business as Bert Smith Van & Storage	143 S. Fairfax Los Angeles	19-12688R 19-12689C
W. M. Smith, doing business as Mobley Van & Storage	623 N. Larchmont Los Angeles	19-7757R 19-7758C
Elmer E. Struebing, doing business as Westlake Transfer	1609 W. 7th St. Los Angeles	19-12477R 19-12478C
J. R. Waggoner, doing business as Dayton Transfer Co.	2885 N. Figueroa Los Angeles	19-291R 19-292C

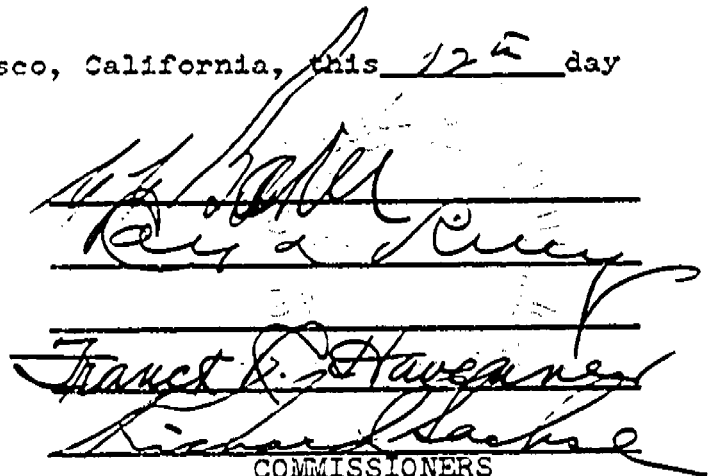
<u>Name</u>	<u>Address</u>	<u>Permit No.</u>
Herbert Webster, doing business as Hudson Van & Storage	2934 Francis Ave. Los Angeles	19-1660R 19-1661C
Geo. Weeks, doing business as Central Piano Movers	1344 S. Flower Los Angeles	19-6508R 19-1080C 19-1582H
Jesse A. White, doing business as Bear Transfer Company	3002 Ninth Ave. Los Angeles	19-999R 19-1000C
Burl E. Williams, doing business as American Transfer	201 S. Central Ave. Glendale	19-163R 19-161C
R. E. Wooster, doing business as Advance Moving & Storage	556 S. Western Ave. Los Angeles	19-8619R 19-8620C

IT IS FURTHER ORDERED that the Secretary of this Commission issue and deliver to each of said applicants a license certificate as such Motor Transportation Broker in the form heretofore adopted by the Commission for such license certificate, and subject to the conditions hereinabove specified.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 12<sup>th</sup> day of August, 1941.

  
COMMISSIONERS