

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Decision No. 39794

ORIGINAL

In the Matter of the Application of  
 BRADLEY TRUCK COMPANY, Santa Maria,  
 California, for a permit to operate as  
 a Radial Highway Common Carrier of  
 property for compensation over the  
 public highways of the State of California,  
 under the provisions of Chapter 223,  
 Statutes of 1935, State of California,  
 as amended. ) Application for  
 Permit No. 42-1262

In the Matter of the Application of BRADLEY  
 TRUCK COMPANY, Santa Maria, California, for  
 a permit to operate as a Highway Contract  
 Carrier of property for compensation over  
 the public highways of the State of Calif- ) Application for  
 ornia, under the provisions of Chapter 223, ) Permit No. 42-1263  
 Statutes of 1935, State of California, as )  
 amended. )

PAUL E. BRADLEY, President, Bradley Truck Co.  
 JOHN M. GREGORY, for Field Division, Transportation  
 Department, Public Utilities  
 Commission.

## O P I N I O N

This proceeding was instituted by the Commission for the purpose of determining whether or not Bradley Truck Company should be granted permits as radial highway common carrier and highway contract carrier. A public hearing was held by Examiner Gannon at Santa Maria on October 29, 1946.

The record shows that Bradley Truck Company, on April 1, 1946, held radial highway common carrier permit No. 42-454 and highway contract permit No. 42-455; that said permits were revoked on April 16, 1946, because of failure to keep on deposit continuous adequate insurance, as provided for in Section 5 of the Highway Carriers' Act (Chapter 223, Statutes 1935, as amended)

and that notice of such revocation was mailed to the carrier on April 25, 1946. The record further shows that Bradley Truck Company conducted transportation operations subsequent to revocation of said permits without first having on deposit with the Commission evidence of public liability and property damage insurance.

The testimony of Paul E. Bradley, President of Bradley Truck Company, is that the applicant continued operating more or less continuously after receiving notice of revocation of its permits, then ceased such operation for a time, but resumed again in September 1946. The Secretary of the company testified that he personally received notice of revocation but had no communication with applicant regarding such notice. The record is clear, however, that applicant knew of the revocation.

Floyd McColl, Supervisor of Permits and Fees of the Commission, testified that his department received notice of cancellation of insurance on April 6, 1946, and immediately notified applicant, Bradley Truck Company, that such insurance would be cancelled as of April 16, 1946, and that the permits would be revoked unless new insurance was deposited. In its communications with the Commission applicant seemed to have indulged the hope from day to day that the insurance company would restore the policies to good standing, but the Commission never received notice of any restoration, and had not at the time of the hearing herein.

A transportation representative of the Commission testified that he had made a check of applicant's operations and that the company had operated between September 4 and

September 12, 1946. Summaries of shipping documents were introduced in evidence supporting such testimony. Reports of gross operating revenues were also introduced showing that Bradley Truck Company had an operating income of \$701.65 for May and (1) \$314.75 for June.

This is not applicant's first violation of the provisions of the Highway Carriers' Act and of the rules and regulations of the Commission in relation to said Act. The company has heretofore been charged by the Commission with having assessed and collected rates less than the minimum in connection with shipments of sugar by Union Sugar Company, a corporation. The Commission filed a civil penalty action against said carrier and compromise judgment was entered in November 3, 1944, in the sum of \$4200 against Bradley Truck Company. (2) ✓

On or about August 29, 1946, a warrant of arrest was issued in the Justice's Court of Santa Barbara County against Bradley and the company, charging them with violation of Section 3 of the Highway Carriers' Act, in that operations were conducted as a highway carrier without having first obtained from the Commission permits of authority so to operate. (3) Applicant pleaded guilty and was fined \$150.

Section 14 $\frac{1}{2}$  (a) of the Highway Carriers' Act provides:

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- (1) This includes City Carrier Revenue.
- (2) People vs. Bradley Truck Company, et al, Santa Barbara County No. 34447, Exhibit No. 1 in the instant proceeding.
- (3) Exhibit No. 3 - Transcript of proceedings in Justice Court.

in part that the Commission

" . . . . may in its discretion cancel, revoke or suspend the operating permit of any highway carrier whenever it shall appear that said highway carrier has conducted any highway carrier operations illegally, or has violated any of the provisions of this Act . . . . or had been convicted of any misdemeanor under this Act; or has suffered a judgment for any penalty imposed under this Act."

Section 14½ (b) provides that

"After the cancellation or revocation of said permit . . . . it shall be unlawful for such carrier to conduct any operations as said carrier. The Commission may, in its discretion, either grant or deny an application for a new permit or permits whenever it appears that a prior permit of the applicant has been cancelled or revoked pursuant to paragraph (a) hereof . . . ."

Based on the evidence of record herein, the Commission finds that applicant operated in violation of the Highway Carriers' Act by transporting property for compensation without having obtained authority from this Commission. The applications will therefor be denied.

#### O R D E R

Public hearing having been held in the above-entitled proceeding, evidence having been received, the matter having been submitted and the Commission being fully advised,

IT IS ORDERED that Application No. 42-1262 and Application No. 42-1263 be, and they hereby are, denied.

The effective date of this order shall be 20 days from the date hereof.

Dated at San Francisco, California, this 23<sup>d</sup> day of December, 1946.

Harold P. Kels  
Justin J. Calleen  
Francis C. Bury  
John H. Powell  
A. J. Dunning  
COMMISSIONERS