

ORIGINAL

Decision No. 40261

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
NORMAN CAMPBELL for a license as)
motor carrier transportation agent.)

Application No. 28318

NORMAN CAMPBELL, in propria persona
DOUGLAS BROOKMAN, for Pacific Greyhound Lines,
protestant

O P I N I O N

Applicant requests a license to act as a motor carrier transportation agent, as defined in Chapter 390, Statutes of 1933, as amended. A public hearing was held before Examiner Gregory at San Francisco on April 11, 1947, and the matter was submitted. Pacific Greyhound Lines opposed the granting of the license.

Applicant is 42 years old, is a native of Scotland, and has been a citizen of the United States since 1941. For the last five years he has been engaged in business activities in San Francisco and Oakland in the fields of retail fruit and vegetable merchandising and real estate. Since July, 1946, he has conducted a real estate brokerage business from his home in Oakland.

The evidence shows that applicant has arranged for desk space and the use of a telephone at the City Club, a hotel located in downtown Oakland to which prospective riders and automobile owners would come to arrange for transportation on a share-expense basis. He proposes to advertise his service in the newspapers, but stated he had not yet decided upon the type of advertising copy he would use. A fee of \$2.50 per person, payable by both rider and driver, would be charged for trips up to 1000 miles, and beyond that distance the fee would increase to a maximum of \$5.00 per person. The fee would

entitle the prospective rider to a 6-months' membership in the "Travellers' Co-op Club" (the name under which applicant proposes to operate), and, if other transportation arrangements were made by the rider within that period, would be refunded in accordance with the terms of a receipt, not yet formulated. Arrangements would be made for trips to any place in the United States on the foregoing basis.

On cross examination by protestant's counsel, applicant testified that he was without experience in the business for which he seeks a license, but that he expected to learn about it from others similarly engaged. He had heard, he said, that as much as \$800 per month could be gained in conducting such agency operations. Although he stated he had read the statute, he was unfamiliar with its provisions relating to the faithful performance bond required of licensed agents, and had made no application for such a bond. He did not propose, he said, to guarantee performance of transportation contracts, either beyond intermediate stopover points or directly to destination. Asked by the examiner if he would still desire to pursue his application if, due to recent court decisions, his activities were limited to arranging for intrastate trips only, he stated he was not sure, as he understood more revenue was to be expected from interstate business than from that confined only to this state, and he had intended to negotiate for trips to all parts of the nation.

We have come to the conclusion upon the evidence of record that applicant is not a fit or proper person to receive an agent's license. In reaching that conclusion we do not impugn his general business ability, or his sincerity of purpose in seeking a license. Our finding, instead, rests upon the fact that the evidence of record clearly indicates that applicant is not aware of the nature or responsibilities of the business he seeks to enter, and further shows that

(1) People v. Edmondson, 91 L.ed. (Adv. Ops.) 38; People v. Van Horn, 76 A.C.A. 890.

he is uncertain as to whether or not he desires a license limited only to intrastate business in California. On such a record we must deny the application.

ORDER

Public hearing having been had upon the above-entitled application, evidence having been received, the matter having been submitted, and the Commission now being fully advised,

IT IS ORDERED that the application of Norman Campbell for a license to operate as a motor carrier transportation agent be and it is hereby denied.

The effective date of this order shall be the 20th day after the date hereof.

Dated at Los Angeles, California, this 13th day of May, 1947.

Harold Kula

Earl Rowell

R. F. [Signature]

Kenneth Potter
COMMISSIONERS