

**ORIGINAL**

Decision No. 40821

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
JOHN WILLIAM RIZZARI for a license as )  
a Motor Transportation Broker. )

Application No. 28477

ARTHUR J. BARRETT, for Applicant.

O P I N I O N

By this application, John William Rizzari seeks a license to engage in business as a motor transportation broker. (Stats. 1935, Chap. 705.) Evidence in support of the application was received at a public hearing held before Examiner Gregory at San Francisco on June 16, 1947.

Applicant is 33 years old and resides in Alameda. He formerly served in the United States Navy, and from 1943 to May, 1947, was an engineer officer in the Merchant Marine.

The operation proposed is that of a brokerage and dispatching service for the transportation of parcels in San Francisco and vicinity. In addition, an accounting service will be available to the carriers for whom business is solicited, should that service be desired. Applicant's office will be located at 941 Howard Street, in San Francisco. Contracts will be executed with the various carriers, calling for compensation on the basis of a flat monthly charge, or a percentage of the hauling charge for transportation secured through applicant's services. Shippers having parcels for delivery will notify applicant by telephone, and a truck will then be dispatched to pick up the shipments. Advertising will be carried on by means of cards, telephone calls, and newspapers. Business will be solicited only for carriers having the required permits and insurance protection, and who have given to applicant

letters of authority designating him as their transportation representative. Complete records of all transactions will be kept. The required bond has been filed.

We believe that the evidence shows applicant to be qualified to act as a motor transportation broker. The application will therefore be granted.

Applicant's proposal to charge for his brokerage services on the alternative basis of a percentage of the hauling charge, however, is not acceptable. Such a proposal would appear to entail the payment of commissions by the carriers involved, a device prohibited to city carriers (City Carriers' Act, Sec. 11) and, unless authorized by the Commission, likewise forbidden to carriers subject to regulation under the Highway Carriers' Act. (Highway Carriers' Act, Sec. 12(a):)

#### O R D E R

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

IT IS ORDERED that the application of John William Rizzari for a license as a motor transportation broker, as defined in Chapter 705, Statutes of 1935, be and it hereby is granted, and that such license be issued to said John William Rizzari subject to the following conditions:

1. That said licensee shall keep his license certificate as motor transportation broker open at all times to public inspection.
2. That said licensee 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 hereafter 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 said applicant shall authorize him to sell, offer for sale, negotiate for, furnish, or provide and hold himself out to sell, negotiate for, 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>
Roy Allison	2328 San Pablo Avenue Oakland	R-1-5911 C-1-5912
Rene C. Aufort	1433 Quesada Avenue San Francisco	C-38-4916
Joseph P. Delaney	24 California Street San Francisco	R-38-4881 C-38-4882
Hans Hauber	1030 Post Street San Francisco	R-38-4814 C-38-4815
Leo R. Lang	1320 O'Farrell Street San Francisco	R-38-4369 C-38-4370
Emmett Nannery	41 Candlestick Road San Francisco	R-38-4957 C-38-4958
Charles Robinson	133 Middlepoint Road San Francisco	R-38-4805 C-38-4806
Salvador Ramos	741 Tehama Street San Francisco	R-38-4821 C-38-4822
Avery H. Smith	257 Minerva Street San Francisco	R-38-4897 C-38-4898
Judson T. Towns	125 Britton Street San Francisco	C-38-4427
George Walker	1893 Ellis Street San Francisco	R-38-4349 C-38-4350

IT IS FURTHER ORDERED that the Secretary of the Commission issue and deliver to said applicant 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.

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

Dated at San Francisco, California, this 21st  
day of October, 1947.

Harold P. Hill  
Justus J. Craven  
R. F. Anderson  
Kenneth Potter  
COMMISSIONERS