

ORIGINALDecision No. 49770

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 BETH HILL, dba B & H TRUCK RENTALS) Application No. 34868
 for a license as a Motor Transportation)
 Broker.)

Beth Hill in propria persona.

E. L. Blackman for California Dump Truck
 Owners Association, interested party.
Frank Hagan for Southern California Asphalt
 Plants Association, interested party.

J. Lane Barbour of the Commission's staff.O P I N I O N

In the above-entitled application Mrs. Beth Hill seeks a license to engage in business as a motor transportation broker as defined in Section 4803 of the Public Utilities Code. Evidence in support of the application was received at a public hearing before Examiner Paul at Los Angeles, on December 11, 1953, and the matter was submitted.

Applicant resides at 6631 Salt Lake Avenue, Bell, California. She desires to conduct business as a motor transportation broker at that address. Attached to the application are letters from four carriers who operate dump trucks authorizing applicant to sell transportation over their lines, viz.:

<u>Name</u>	<u>Address</u>
A. J. Maguire	5241 Cecelia, Bell, Calif.
Troy Nash	7341 East Lugo Ave., Hollydale
William W. Johnko	2221 Walma Ave., Los Angeles
Albert M. Quintanar	2116 Hancock Street, Los Angeles

Applicant testified that she had made an arrangement with the owner and also with the dispatcher of the G. G. Fisher Paving

Company, Southgate, California, to furnish dump truck equipment to transport hot asphalt paving material from the Fisher plant to various paving jobs. The record shows that applicant had been employed by the Fisher Paving Company as a bookkeeper for approximately nine years prior to August 1952. It was also shown that when the Fisher Paving Company is working on a paving job it generally requires approximately thirty dump trucks to provide the necessary transportation of material. Applicant testified that she would hire all necessary truck equipment with drivers. Upon her telephone request each carrier⁽¹⁾ would proceed to the paving plant where he would be required to sign a letter of authority designating applicant to sell transportation for him, if such letter of authority had not previously been executed. Applicant stated that a supply of form letters of authority would be placed in the hands of the dispatcher at the Fisher plant for that purpose. Only carriers executing such letters would be allowed to haul from the Fisher Company plant.

Upon receiving a load of paving material each driver would be given a truck tag, according to the witness, upon which would be shown, among other things, the name of the shipper, the date, identification of the carrier, destination of the shipment and the tonnage hauled. These tickets, the witness stated, would be delivered to her by each driver. She would then determine the transportation charges due each carrier. Detailed records of all the facts in connection with the transportation would be kept by her. At stated intervals or upon completion of a particular paving job, applicant would compile a consolidated statement of truck transportation provided which she would transmit to G. G. Fisher

(1) Practically all of the dump-truck operators in Southern California are individual owner-drivers.

Paving Company. Upon receipt of this statement the company would draw a bank check payable to applicant covering all transportation charges for that period or job. Applicant, after deducting her commission of five per cent, would issue her checks to the individual carriers for the transportation provided by them.

No bills would be rendered by any of the truck operators to the shipper. Each trucker would look to applicant for payment of the transportation charges. She explained that this method of operation is desirable to relieve the Fisher Paving Company of the complicated procedure involved where as many as 15 to 18 or more truckers are rendering individual bills to it. She stated that is the reason why the owner of Fisher Paving Company is interested in using the services of a broker.

The foregoing facts show that applicant, according to her plan of conducting business as a motor transportation broker, would confine her activities principally to operators of dump trucks engaged in transporting hot asphalt paving materials, and those manufacturing such commodities. Initially the only shipper for which she would provide transportation would be the G. G. Fisher Paving Company. In providing the transportation she proposes to perform some ancillary services for the carriers such as maintenance of certain records in connection with the hauling provided, application of rates, preparation of statements of transportation charges earned by the carriers and collection of those charges from the shipper on behalf of the carriers.

We observe at this point that these services by applicant on behalf of the parties, while not militating against her status as a motor transportation broker, do not relieve the parties of their lawful obligations to comply with all applicable minimum rate orders, rules and regulations of the Commission. Among other

things these orders require maintenance of certain records and issuance of shipping documents by the carriers for whom applicant would sell transportation. It is their ultimate responsibility to comply fully with the orders of the Commission in that regard. Applicant is admonished that she may not lawfully sell transportation for any carrier until she has first obtained a letter of authority from the carrier and an order from the Commission setting out the name of the carrier for whom she is licensed to sell such transportation. (Section 4836, Public Utilities Code)

A representative of the Southern California Asphalt Plant Association stated that granting applicant's request would be to the best interests of that industry. That Association comprises virtually all of the asphaltic plants in Los Angeles, Orange, Riverside and San Bernardino counties according to the representative.

The representative of the California Dump Truck Owners Association expressed the opinion that no authority should be issued to a broker which would permit the breaking down of the minimum rates established by the Commission with respect to the transportation of paving materials. No such probability exists here. No one opposed granting the request of applicant. A bond has been filed as required by law.

After full consideration of the evidence in this proceeding, we find no reason to withhold issuance of the license sought to act as a motor transportation broker. The application will be granted.

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 informed in the premises,

IT IS ORDERED:

(1) That a license is hereby granted to Both Hill to act as a motor transportation broker, as defined in Section 4803 of the Public Utilities Code subject to the following conditions:

(a) That licensee shall not charge or collect a brokerage fee or commission in excess of five per cent in the aggregate.

(b) That licensee shall keep her license certificate as a motor transportation broker available at all times to public inspection.

(c) That licensee shall do business as a motor transportation broker only at 6631 Salt Lake Avenue, Bell, California, and for motor carriers hereinafter named or for whom she may hereinafter from time to time be permitted to do business by any subsequent order or orders of the Commission.

(2) That the license of said applicant shall authorize her to sell, offer for sale, negotiate for, furnish or provide transportation of property over the public highways of this State to be furnished only by the carriers whose names and addresses are as follows:

<u>Name</u>	<u>Address</u>	<u>Permit Nos.</u>
A. J. Maguire	5241 Cecelia, Bell, Calif.	19-46045-R 19-47661-C
Troy Nash	7341 East Lugo Ave., Hollydale, Calif.	19-41618-R 19-41619-C
William W. Johnke	2221 Walma Ave., Los Angeles, Calif.	19-46708-R 19-46709-C
Albert M. Quintanar	2116 Hancock Street, Los Angeles, Calif.	19-46529-R 19-46530-C

(3) 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 twenty days after the date hereof.

Dated at Los Angeles, California, this 9th day of March, 1954.

R. E. Anderson
PRESIDENT
Maxis F. Gilman
Kenneth Pottel
Ed L. Mitchell
Gene Higgins
COMMISSIONERS