

Decision No. 50134

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of D. D. BYRNES, doing business as CALIFORNIA TRUCKING EXCHANGE, for Reissuance of License as a Motor Transportation Broker.

Application No. 35404

O P I N I O N

In the above-entitled application D. D. Byrnes, doing business as California Trucking Exchange, seeks a license to engage in business as a motor transportation broker as defined in Section 4803 of the Public Utilities Code.

On January 13, 1953 the Commission issued such a license to this applicant pursuant to his application (Decision No. 48165). That license expired December 31, 1953 as provided by Section 4842 of the Public Utilities Code. This application, in effect, is a request for a renewal of that license. Such request should have been filed before the license expired.

The record on which said Decision No. 48165 was based shows that the business proposed by applicant for which the license was sought consisted of arranging for transportation in interstate commerce in truck load amounts of unmanufactured agricultural commodities which are exempt from regulation by Section 203 (b)(6) of the Interstate Commerce Act. The motor carriers used by applicant are engaged exclusively in interstate commerce and are not required to hold any certificates or permits issued by the Interstate

Commerce Commission. In its application for a new license it is stated that applicant's method of conducting business as a motor transportation broker is the same as set forth in said Decision No. 48165. Said Decision No. 48165 described the operation as follows:

Consequently, the carriers for whom applicant wishes to be permitted to arrange transportation will vary from time to time and applicant can never know from one day to the next when a new and different carrier will request his services. These carriers perform transportation, which is not subject to the Interstate Commerce Act, from points in the eastern, northern, southern or middle western part of the United States to points in California and upon their arrival in California they contact applicant and request that he arrange for an eastbound or northbound load of exempt commodities for them to carry back.

Under these circumstances there will not be sufficient time for applicant to obtain from such new or additional carriers a letter of authority and file it with this Commission with the request that the order of the Commission granting a motor transportation broker's license be amended to include the name of such new or additional carrier before arranging the required transportation for such carrier. Applicant has submitted the names of 309 such carriers he proposes to serve and asks that the Commission order set out such names as being the motor carriers for whom he will be licensed to sell transportation. In addition he requests that just as soon as the names of additional carriers are known who desire his services, applicant be permitted to furnish the Commission the name and address of such additional carriers so that the license may permit him to serve such carriers.

After full consideration of applicant's request we find no reason to withhold the issuance of a license which under said Section 4842 would be effective for the remainder of this calendar year only. The license to be granted under the same terms and conditions as that granted by Decision No. 48165. Applicant has on file a surety bond as required by Section 4838 of the Public Utilities Code. No public hearing is necessary and the application will be granted.

O R D E R

An application therefor having been filed, the Commission being fully informed therein and good cause appearing,

IT IS ORDERED:

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

- (a) That said licensee shall keep his license certificate as a motor transportation broker posted at his authorized place of business so that it is readily available to public inspection at all times.
- (b) That said licensee shall do business as a motor transportation broker only at 619 Belmont Avenue, Fresno, California, and for the motor carriers set forth in paragraph (3) of the order of Decision No. 48165 and appearing at sheets 5, 6, 7 and 8 of said decision and all other names which may be included in this order by amendment effective by applicants stating their names and addresses in one or more letters addressed to this Commission and duly deposited in the United States mails with appropriate stamps affixed to such letter or letters and such mailing shall be completed prior to the performance of any transportation arranged by applicant.

(2) That the Secretary of the Public Utilities Commission shall issue and deliver to D. D. Byrnes a license certificate as a motor transportation broker in the form heretofore adopted by the Commission for such license certificate and subject to the conditions hereinabove set forth provided that the names of the motor carriers applicant is authorized to serve need not be set forth therein but in the space provided in said license certificate for such names there

shall be stated the following:

"Licensee is authorized only to negotiate for or hold himself out as one who furnishes or provides transportation in interstate commerce over the public highways as a motor transportation broker on behalf of the motor carriers now included in the order of the Public Utilities Commission granting this license or subsequently included by amendment."

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 7th day of June, 1954.

John L. Mitchell
President

Justice J. Casanova

Kenneth Patten

Orville Higgins

Commissioners