

Decision No. 51575**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
 of )  
 ERNEST E. STUBBLEFIELD )

For renewal of License as a Motor )  
 Transportation Broker for the )  
 Year 1955. )

Application No. 36603

O P I N I O N

In the above-entitled application Ernest E. Stubblefield states that he desires to continue business as a motor transportation broker for which he has heretofore been licensed as shown by the Commission's Decision No. 49538 in Application No. 35001.

Applicant states that his brokerage business would be continued at Room 228, Wholesale Terminal Building, 1304 East Seventh Street, Los Angeles 21, California. Applicant requests authority to continue as a broker for the same twelve truck carriers for whom he was licensed to act during 1954. An examination of the Commission's files shows that five of those carriers hold no permits at this time. The permit formerly held by Kenneth W. Smith was terminated in 1950. The permit of Robert Snowden was revoked in May 1954, that of William Buak was revoked in October 1952, that of Arthur Ervin was revoked in December 1953 and that of R. W. Wilson was transferred in May 1953. Consequently, applicant will not be licensed to act as a broker for these persons unless justification therefor can be shown.

Subsequent to the filing of the application an investigation of applicant's activities was made by a representative of the Commission's field section. The disclosures made by applicant to

the Commission's representative showed that during the year 1954 applicant served but two of the carriers for whom he was licensed to act, viz., Meyer Gorrell of Sunland and Nielson Bros. of Lynwood, California. The representative's report further discloses that forty-one additional carriers were served by applicant during 1954 and the first two weeks of January in 1955 from whom applicant never received a letter of authority nor a license from the Commission to sell transportation. Only ten of the forty-one carriers are indicated as having a California address. The report further shows that all of the shipments handled by the carriers for whom applicant arranged transportation consisted of fresh fruits or vegetables. All the shipments had destinations at Los Angeles and all had points of origin within the State of Washington or the State of Oregon with the exception of shipments hauled by one carrier from Sebastopol. The latter holds an active permit issued by this Commission, but applicant is not licensed to sell transportation for him. It is reported that applicant questioned the jurisdiction of the Commission to require him to obtain a license to arrange for transportation of fresh fruits and vegetables in interstate commerce.

The Commission's representative's report shows that with the exception of the traffic hauled by one carrier, applicant's present business consists entirely of arranging for transportation in interstate commerce of unmanufactured agricultural commodities. Such transportation is exempt from regulation by the Interstate Commerce Commission pursuant to Section 203(b) (6) of the Interstate Commerce Act.<sup>1/</sup> The California Motor Transportation Brokers Act

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<sup>1/</sup> See Determination of Exempted Agricultural Commodities  
52 M.C.C. 511.

provides in Section 4805 that "The provisions of this chapter shall apply whether the transportation sold, or offered to be sold, is interstate or intrastate." Therefore, applicant may not lawfully act as a broker for carriers of the exempted commodities in interstate commerce unless licensed by this Commission.

It appears that applicant has been serving the carriers as above indicated under the bona fide belief that a license from this Commission is not required. Applicant's license will be renewed to serve the carriers listed in the application except those holding no permits. However, applicant will be expected to refrain from arranging for transportation by any carrier until properly licensed.

Applicant has on file with the Commission a surety bond as required by the provision of Section 4838 of the Public Utilities Code. A public hearing in this proceeding is unnecessary.

O R D E R

An application as above entitled having been filed, and based upon the conclusions expressed in the foregoing opinion,

IT IS ORDERED:

(1) That a license is hereby granted to Ernest E. Stubblefield 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 Room 228 Wholesale Terminal Building, 1304 East Seventh Street, Los Angeles, until otherwise authorized

by the Commission, and for 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.

(2) That the license of said applicant shall authorize him to sell, offer for sale, negotiate for, furnish or provide transportation of property over the public highways of this state, said transportation to be rendered only by the following carriers:

<u>Name</u>	<u>Address</u>	<u>Carrier Permit Nos.</u>
Meyer Gorrell	10351 Parr Ave., Sunland	R-19-37202
Nielsen Bros. Nels Nielsen & Holger Nielsen	4133 Louise St., Lynwood	R-19-36473
Pacific Coast Truck Lines, Inc.	6418 Bonsallo St., Los Angeles	R-19-15672 R-19-15673 HC-19-15674
Kishida Bros. Shigeo Kishida & Tadashi Kishida	112 S. Main St., Lodi	39-4617
Nobuo Kishida	1764 S. Stanislaus, Stockton	R-18-093
John C. Whittaker	3672 W. 63rd St., Los Angeles	33-1870
Elmer Randall (Owner) dba Truck Transport	797 S. Alameda St., Los Angeles	R-19-21497 HC-19-21498

(3) That the Secretary of the Public Utilities Commission is hereby authorized and directed to issue and deliver to Ernest E. Stubblefield a license certificate of the authority herein granted, said license certificate to be in the form heretofore

adopted by the Commission for such license certificate and subject to the conditions hereinabove set forth.

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

Dated at San Francisco, California, this 9<sup>th</sup> day of June, 1955.

Arthur E. Mitchell  
President

Raymond L. ...

William J. ...

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Commissioners