

ORIGINALDecision No. 51584

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of RICHARD A. JOHANSON for a)
License as a Motor Transportation)
Broker.)

Application No. 36591

O P I N I O N

In the above-entitled proceeding Richard A. Johanson seeks a license to conduct business as a motor transportation broker at 619 West Belmont Avenue, Fresno, California. Applicant alleges that he is an employee and an officer, the secretary-treasurer, of the newly formed corporation, D. D. Byrnes, Inc. The latter is doing business at Fresno as California Trucking Exchange. The corporation, by endorsement, has joined in this application. A coapplicant form of surety bond has been executed by the corporation as principal.^{1/}

Applicant Johanson asserts that he has not previously sold, or offered for sale, or negotiated for or held himself out to sell, furnish or provide transportation by motor carrier, except that he has been employed since January, 1953, by D. D. Byrnes, a broker, as an assistant.

Applicant says he is 29 years of age. As an employee of the corporation he plans to follow the same method of arranging transportation as that used by D. D. Byrnes. Such method was set forth in Byrnes' Application No. 33406 on which the Commission

^{1/} The Commission also has before it for consideration a similar application (No. 36590) filed by D. D. Byrnes requesting reissuance of a motor transportation broker's license. The corporation, D. D. Byrnes, Inc., has also filed a joint endorsement of Byrnes' application. He is the president of the corporation.

rendered Decision No. 48165. The record in that proceeding showed that the business consisted of arranging for the transportation of unmanufactured agricultural commodities in interstate commerce which is exempt from regulation by Section 203 (b) (6) of the Interstate Commerce Act. (See Determination of Exempted Commodities 52 M.C.C. 511.) The motor carriers to be 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. 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 east-bound 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 names and addresses 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 issuance of a license as applied for. The license will be granted under the same terms and conditions as that granted to D. D. Byrnes by Decision No. 48165.

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 Richard A. Johanson 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 West 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 applicant 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 Richard A. Johanson 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 9th day of June, 1955.

Robert L. Marshall
 President

Paul C. Lister

William K. Wooten

Commissioners