

Decision No. 52660**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of JACK P. BIRD, an officer of)
National Reefer Service, Inc., a) Application No. 37334
Nebraska corporation, for a)
license as a Motor Transportation)
Broker.)

O P I N I O N

In the above-entitled proceeding Jack P. Bird requests the Commission to license him to engage in business as a motor transportation broker as defined in Section 4803 of the Public Utilities Code. The business would be conducted at 1231 East Seventh Street, Los Angeles, California. The application states that applicant is an officer, to wit: vice president of National Reefer Service, Inc., a Nebraska corporation, whose address is 520 South 13th Street, Omaha 8, Nebraska. The other officers are asserted to be Philip V. Wigton, president; Glenn E. Ray, vice president; Daniel Monen, Jr., secretary; and J. C. Whelton, treasurer.

The corporation, National Reefer Service, Inc., has joined in the application by execution of the required endorsement attached to the application and will provide a co-applicant form of surety bond as required by Section 4838 of the Public Utilities Code.

Applicant describes his present operations as follows:

Applicant's business consists of arranging for transportation in interstate commerce of non-manufactured agricultural commodities which are exempt from regulation by Section 203(b)(6) of the Interstate Commerce Act. The motor carriers for which such transportation is arranged are engaged exclusively in interstate commerce, and are not required to hold and do not hold any certificates or permits in connection with the transportation of commodities sold, furnished or

provided by applicant. Consequently, the carriers for which applicant arranges transportation vary from time to time, and applicant never knows from one day to the next when a new or different carrier will contact applicant and desire to have applicant arrange transportation for it. Under these circumstances, there is not sufficient time for applicant to obtain from such new or additional carriers, a letter of authority, file it with your Commission, file an amendment to applicant's application for authority to arrange transportation for such carrier, and have such amendment approved by the Commission, before applicant arranges transportation for such carrier. Applicant requests that as soon as the name of any such additional carrier is known, and applicant has arranged transportation for such carrier, applicant be permitted to furnish the Commission the name and address of such carrier and a letter of authority from such carrier, so that applicant's license can be amended to include such carrier.

It appears from the foregoing description that applicant's operation consists of arranging for the transportation in interstate commerce of nonmanufactured agricultural commodities, which is exempt from regulation by Section 203(b)(6) of the Interstate Commerce Act. Attached to the application are approximately 36 letters of authority executed by carriers authorizing applicant to sell transportation for them. All but four of these carriers show headquarters at places in other states. Applicant requests that it be authorized to use each of these carriers, and also any other carrier with whom it might make arrangements to handle the interstate traffic involved and be permitted to furnish the Commission the name and address of such carriers by letter in the same manner as that done by other brokers engaged in furnishing the same type of transportation.

After full consideration of applicant's request we find no reason to withhold issuance of the license applied for. It will be granted under the same terms and conditions as those granted

to other motor transportation brokers engaged in the same type of service. In our opinion a public hearing is not required in this proceeding.

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 Jack P. Bird 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 at the following location only, to wit: 1231 East Seventh Street, Los Angeles, California, and for the motor carriers hereinafter named in paragraph (3) of this order or for whom he may hereafter from time to time be permitted to do business by any subsequent Commission order, and all other names which may be included in this order by amendment effected by applicant's stating their names and addresses in one or more letters addressed to this Commission, and duly deposited in the United States mail with appropriate stamps affixed thereto--such mailing to be completed prior to the performance of any transportation arranged by applicant.

(2) That the license of said applicant shall authorize him to sell, offer for sale, negotiate for, furnish or provide transportation over the public highways of this State in interstate commerce of unmanufactured agricultural commodities which is exempt from regulation by Section 203(b)(6) of the Interstate Commerce Act and stated in Determination of Exempted Agricultural Commodities, 52 M.C.C. 511, on behalf of said motor carriers who hold no certificates or permits from the Interstate Commerce Commission

or from this Commission and who are insured or for whom applicant shall procure cargo insurance equal to the value of the cargo, provided insurance in the sum of \$10,000 shall suffice.

(3) The named carriers referred to in paragraph (1)(b) of this order are as follows:

Columbus Oil Co., Inc.
Columbus, Nebraska

V. Glen Noble
Pleasant Grove, Utah

Wayne W. Loers
1605 So. 52nd Street
Omaha, Nebraska

Lauritsen Inc.
Kennard, Nebraska

L & L Trucking
708 Hague - Apt. 4
St. Paul, Minnesota

Edward J. Hrubby
312 No. 10th Street
Omaha, Nebraska

Lee Hoy
3402 S.W. Corbett
Portland, Oregon

Harvester Feed Co.
Pampa, Texas

Harlan Produce Co.
Harlan, Iowa

Dale Truck Line
4602 St. Paul
Lincoln, Nebraska

Buck Grain & Produce Service
Box 46
Dillon, Montana

John E. Bruncker
R. 14 Box 411
West Allis, Wisconsin

Berchtold Transfor Co., Inc.
Columbus, Nebraska

F. H. Long
2402 E. Osborn Road
Phoenix, Arizona

Mertens Transit
Dorchester, Wisconsin

Elmer Olson
912 Hidden Lake Drive
Minneapolis, Minnesota

Pirkle Refrigerated Freight
Line
2475 So. Archer Avenue
Chicago 16, Illinois

The Rath Packing Co.
Box 2738 Terminal Annex
Los Angeles 54, California

Frank Rountree Produce Co.,
Inc.
1404 Broadway
Monett, Missouri

P. N. Schoell
1163 No. 1st West
Orem, Utah

Louis Singer
1519 East Admiral Place
Tulsa, Oklahoma

W. C. Stracher
3309 Mayfair Drive
Sacramento, California

Edward G. Stueben
6700 Middleton
Huntington Park, California

James R. Westerfield
11516 West 70th Terrace
Shawnee, Kansas

Paul Widener
Box 633
Sanford, Florida

Lawrence Jacobson
Wheaton, Minnesota

Gaylord Herman
371 So. State Street
Mondavi, Wisconsin

Massman Service
Cedar Rapids, Nebraska

Matsuo & Giovannetti
1205 E. 6th Street
Los Angeles, California

Walter R. Cline
103 No. Wall
Joplin, Missouri

Harris Chipman
Pleasant Grove, Utah

Henry Canty
1541 E. 44th Avenue
Gary, Indiana

Davidson-Chudacoff Co.
2475 Archer Avenue
Chicago, Illinois

Gus Brocato
111 E. 43rd
Tulsa, Oklahoma

Richard Bright, Inc.
Route #1
Bentonville, Arkansas

Alvin Birr
2655 Madison Street, N.E.
Minneapolis, Minnesota

(4) That the Secretary of the Public Utilities Commission shall issue and deliver to Jack P. Bird 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 21st day of FEBRUARY, 1956.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners