

ORIGINAL

Decision No. 55257

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 DeWAYNE F. TITUS, dba GOLDEN PACIFIC)
 TRUCK LINES, for a Radial Highway) Application No. 39194
 Common Carrier Permit on a state-wide)
 basis, with office located in San)
 Leandro. (Appl. No. 1-9130, File No.)
 T 25,215).)

In the Matter of the Application of)
 DeWAYNE F. TITUS, dba GOLDEN PACIFIC) Application No. 39195
 TRUCK LINES, for a City Carrier Permit)
 to operate in the East Bay area, San)
 Francisco and Oakland (Appl. No. 1-9131,)
 File No. T 25,215).)

DeWayne F. Titus, for himself:
Arthur Lyons and Martin Porter,
 for the Commission staff.

O P I N I O N

Applicant, on July 2, 1957, filed his applications for a Radial Highway Common Carrier Permit and a City Carrier Permit on July 2, 1957. This applicant owned fifty percent of the capital stock and was vice president of Danny Boy Trucking Company, Inc., a corporation whose radial and city carrier permits were revoked by Decision No. 55118, dated June 11, 1957, in Case No. 5863. Applicant Titus testified that his elder brother, Orville Titus, who owned the other fifty percent of capital stock of that corporation and who was its president and general manager, was solely responsible for the undercharges for which said company was held guilty and for which its permits were revoked.

This applicant must be considered as having acquiesced in such violations although he will not be found to be contemptuous or in flagrant disregard of the Commission's Rules and Regulations which

was one of the reasons for revocation of the corporation's permits. This applicant appears to retain a favorable credit rating and has sufficient financial ability to carry on this operation. In view of his recent experience with this company, the Commission feels and finds that applicant DeWayne Titus will in the future comply with applicable tariffs and Commission rules and regulations. The staff assisted in developing the evidence and made no recommendation.

O R D E R

Applications therefor having been filed, public hearing having been held, and the Commission being of the opinion and finding that the statutory requirements have been complied with,

IT IS ORDERED that upon the filing by applicant of evidence of liability protection required by the Public Utility Code and upon the filing of a written withdrawal by Danny Boy Trucking Company, Inc., of a petition for rehearing filed by it in Case No. 5863, permits as a Radial Highway Common Carrier and as a City Carrier shall be issued by the Secretary of the Commission.

IT IS HEREBY FURTHER ORDERED that DeWayne Titus shall never use the name Danny Boy in connection with said permits.

The effective date of this decision shall be the tenth day following the filing with the Commission of written evidence establishing that Danny Boy Trucking Company, Inc., has ceased to engage in the business of transportation.

Dated at San Francisco, California, this 10th day of July, 1957.

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