

ORIGINALDecision No. 55472

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of HOWARD J. LIGGETT for a)	Application No. 39171
license as a Motor Transportation)	
Broker.)	

O P I N I O N

In the above-entitled proceeding Howard J. Liggett 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 Shed No. 1, East Gabilan Street, Salinas, California. The application states that applicant is an officer, to wit, executive vice president of Reefer Truck Dispatch, Inc., a corporation, whose address is P. O. Box 994, Salinas, California. The other officers of the corporation are asserted to be Ted E. Nelson, president; Jacob Abramson, secretary; and William Garin, treasurer.

The corporation has joined in the application by execution of the required endorsement attached to the application and has provided a co-applicant form of surety bond as required by Section 4838 of the Public Utilities Code.

Applicant proposes to arrange for transportation of fresh vegetables, primarily lettuce destined for both intrastate and interstate points. He proposes to charge the carriers a reasonable brokerage fee for this service. It appears from the application that applicant's operation will include the arranging of 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 is a letter of authority executed by Pacific Intermountain Express Company authorizing applicant to sell transportation for it of fresh fruits and vegetables moving to points outside of the State of California in truck loads. Applicant also requests that he be authorized to use any other carrier with whom he might make arrangements to handle a particular shipment and be permitted to furnish the Commission the name and address of such carrier by letter in the same manner as that done by other brokers engaged in the arranging of transportation in interstate commerce of nonmanufactured agricultural commodities. As justification for this request, the application states that in addition to carriers with whom a standing and regular relationship will be established, there will be other carriers whose services will be required on very short notice by reason of the fact that perishable vegetable products such as here involved must be loaded and shipped promptly or they will spoil. The application states further that under these circumstances, the carriers for whom applicant wishes to be permitted to arrange transportation will vary from time to time and applicant will not know from one day to the next when a new and different carrier will be involved; that there may be numerous carriers used with few repetitions; and that under these circumstances there will not be sufficient time for the applicant to obtain from such new or additional carriers a letter of authority and file it with the Commission before arranging the required transportation for such carrier.

It is the Commission's conclusion that with respect to interstate shipments of nonmanufactured agricultural commodities exempt from regulation by Section 203(b)(6) of the Interstate Commerce Act, applicant will be authorized to amend this order to include the names of additional carriers by stating their names and addresses in one or more letters addressed to this Commission and duly deposited in the United States mail, postage prepaid, prior to the performance of any transportation by those carriers which was arranged for by applicant. However, it is the Commission's conclusion that a similar privilege shall not be accorded applicant with respect to intrastate shipments. In view of this and inasmuch as the only letter of authority from a carrier which has been submitted by applicant is limited to interstate shipments, applicant will only be authorized to arrange for interstate transportation exempt from regulation by Section 203(b)(6) of the Interstate Commerce Act. When applicant obtains letters of authority from carriers relative to arranging transportation for intrastate shipments, he may apply to amend this order so as to authorize him to arrange for the transportation of intrastate shipments.

After full consideration of all the evidence in this proceeding the license sought will be granted subject to the conditions hereinabove set forth.

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 Howard J. Liggett 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: Shed No. 1, East Gabilan Street, Salinas, California, and for the motor carrier 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 the 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.

(3) That the named carrier referred to in paragraph (1)(b) of this order is:

Pacific Intermountain Express Co.,
299 Adeline Street,
Oakland, California.

(4) That the Secretary of the Public Utilities Commission shall issue and deliver to Howard J. Liggett 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 Los Angeles, California, this 27th day of August, 1957.

President
Raul C. Gutierrez

H. Hardy

E. Lopez

Commissioners