

Decision No. 57015**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 JAMES (NMI) KOURAFAS for a License) Application No. 39992
 as a Motor Transportation Broker.)

O P I N I O N

In the above-entitled proceeding, James Kourafas 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 3535 South Highway 99, Fresno, California; 397 8th Street, San Francisco, California; and 1706 South First Street, San Jose, California. The application states that the applicant is an officer, to-wit: President of Truck Dispatch Service, Inc., a corporation, whose address is 3535 South Highway 99, Fresno, California. The other officers of the corporation are Tom J. Kourafas, Vice-President, and Nick T. Kourafas, Secretary-Treasurer.

The corporation has joined in the application by execution of the required endorsement attached to the application.

The applicant has filed an individual form of surety bond as required by Section 4838 of the Public Utilities Code.

Applicant's method of operation in arranging for transportation appears to be substantially similar to that used by D. D. Byrnes which was described in the Commission's Decision No. 48165, in Application No. 33405 wherein Byrnes was issued a license to operate as a motor transportation broker.

The business proposed by applicant and for which a license is asked, consists of arranging for transportation in interstate commerce of unmanufactured agricultural commodities which are exempt

from regulation by Section 203 (b)(6) of the Interstate Commerce Act. The motor carriers for which transportation is to be arranged are engaged exclusively in interstate commerce and are not required to hold any certificates or permits issued by the Interstate Commerce Commission.

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 between 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 eastbound 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 the 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 filed letters of authority from three 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 as soon as the names of other carriers who desire his services are known, applicant be permitted to furnish the Commission the names and addresses of such carriers so that the license may permit him to serve them.

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

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 ^{Commission} serve 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. This decision will be considered amended accordingly. It is to be noted, however, that the license to be issued to applicant will be restricted to the arranging, negotiating, furnishing or providing of transportation over the public highways of this State within the meaning of Section 4803 of the Public Utilities Code, and only on behalf of motor carriers restricting their carriage to freight in interstate commerce which is exempt from regulation by Section 203(b)(6). This license does not authorize applicant to operate as a motor carrier himself. Applicant shall inform all shippers for whom he arranges transportation that he is acting as a motor transportation broker and not as a carrier. Applicant shall not enter into any contracts of carriage regarding such transportation.

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 James Kourafas 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 certificates as a motor transportation broker posted at his authorized places of business so that they are readily available to public inspection at all times.
- (b) That said licensee shall do business as a motor transportation broker at the following locations only, to-wit: 3535 South Highway 99, Fresno, California; 397 8th Street, San Francisco, California; 1706 South First Street, San Jose, 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.
- (c) Applicant shall inform all shippers for whom he arranges transportation that he is acting as a motor transportation broker and not as a carrier. Applicant shall not enter into any contracts of carriage regarding such transportation.

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 are exempt from regulation by Section 203(b)(6) of the Interstate Commerce Act.

3. That the named carriers referred to in paragraph 1(b) of this order are: Third City Transportation, Grand Island, Nebraska; C. W. Fowler, Frederick, Oklahoma; Southern Central Co., Memphis, Tennessee.

4. That the Secretary of the Public Utilities Commission shall issue and deliver to James Kourafas 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 motor carriers applicant is authorized to serve need not be set forth therein, but in the space provided for such names in said license certificate 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 22nd day of July, 1958.

E. Lynn Fox
President
James E. Mitchell
Paul W. Greener
Theodore J. Jenner
Commissioners