

ORIGINALDecision No. 57795

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 D. D. BYRNES for a renewal or)
 reissuance of a license as a Motor)
 Transportation Broker.)

Application No. 40597

O P I N I O N

D. D. Byrnes, applicant herein, requests the Commission to renew his motor transportation broker's license for the year 1959.

Applicant began his business at Fresno in 1953. Since then he has conveyed the business to a California corporation, D. D. Byrnes, Inc., which is doing business as California Trucking Exchange. The applicant is president of the corporation which has joined in the application.

Applicant's method of conducting business as a motor transportation broker would be the same as that described in Application No. 33406, on which the Commission rendered its Decision No. 48165 granting the license therein sought by applicant. Applicant states that his business is conducted in the same manner as described in that application. It consists of arranging for 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 used by applicant are engaged in interstate commerce exclusively and are not required to hold any certificates or permits issued by the Interstate Commerce Commission.

Applicant refers to the following language used by the Commission in its Decision No. 48165 as still being accurately descriptive of the method of applicant's operation:

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 parts 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 and addresses 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.

Applicant further points out that because of the numerous carriers used with few repetitions the Commission licensed him to arrange for the transportation and immediately notify the Commission in writing of the name of the carrier being used at the time together with its address. He requests that he be authorized to continue such practice.

After full consideration of applicant's request we find no reason to withhold the issuance of the new license applied for. It will be granted under the same terms and conditions as that granted by said Decision No. 48165 as has been done in subsequent

renewals of applicant's license. Applicant has on file a co-applicant form of surety bond executed by the corporation of D. D. Byrnes, Inc., as principal, as provided for in Section 4838 of the Public Utilities Code.

In our opinion a public hearing is not required in this proceeding and the application will be granted.

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 D. D. Byrnes 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 effected 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 license of said applicant shall authorize him to sell or 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) That the Secretary of the Public Utilities Commission shall issue and deliver to D. D. Byrnes 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 the date hereof.

Dated at San Francisco, California, this 30th day of December, 1958.

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