

ORIGINAL

Decision No. 64273

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of) JACK JOSEPH MILLER, of Sebastopol,) for authority to transfer his) Radial Highway Common Carrier Per-) mit (Application No. 49-1232-R), to) APLUM, INC., (File No. T-72,315).)	Application No. 44436 Filed March 8, 1962
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Donald M. Scott, for applicants.
Richard D. Gravelle and George T. Kataoka,
 for the Commission staff.

O P I N I O N

Jack Joseph Miller, as transferor, and Aplum, Inc., a California corporation, as transferee, request authority to transfer Radial Highway Common Carrier Permit No. 49-1232.

Public hearing was held before Examiner Rowe, on July 25, 1962, at Sebastopol, and after the introduction of testimony the matter was submitted.

Aplum, Inc., has issued \$15,000 of its \$100 par value stock. Applicant Miller's operative equipment has been purchased at its market value and adequate new equipment has been acquired. Nothing has been paid for the operative rights. Mr. Miller, a stockholder, will act as general manager for the new company. He has had 13 years of experience in this business. He testified that the company does not presently contemplate the use of subhaulers.

The stockholders are officers or employees of the companies listed in the following order as shippers for whom subhaulers will be required to be paid not less than the Commission's minimum rates.

Counsel for the staff stated that their reason for appearing was to assist in the development of the record and prevent

violations of the minimum rate requirements through the employment of subhaulers who would be paid less than the minimum rates while acting, in fact, as prime carriers. Applicants stipulated their willingness to have the permit subjected to the condition that all subhaulers would be paid at least the applicable minimum tariff when carrying freight for the hereinafter named shippers.

After careful consideration, the Commission finds that the requested transfer would not be adverse to the public interest. Aplum, Inc., is further found to be adequately financed and to possess adequate equipment and its personnel has sufficient experience to conduct a radial highway common carrier operation. The Commission further finds that the authority to transfer should be subject to the condition set forth in the following order.

O R D E R

Application having been filed, public hearing having been held and based upon the above findings,

IT IS ORDERED that after adequate evidence of bodily injury and property damage insurance issued to the transferee has been filed with the Commission, the Secretary of the Commission shall issue to Aplum, Inc., a Radial Highway Common Carrier Permit in the form presently held by Jack Joseph Miller, except that such permit shall be subject to the following condition:

Whenever permittee engages other carriers for the transportation of property for S & O Cannery Company, Barlow & Company, Sonoma Mill and Lumber Company, Central Valley Builders, Don's Lumber Company, Yaiger & Kirk Lumber Company, Colombo Lumber Company, Manzana Products, Inc., or the customers or suppliers of said companies, permittee shall not pay such carriers less than 100 percent of the applicable minimum rates and charges established by the Commission for the transportation actually performed by such other carriers.

IT IS FURTHER ORDERED that upon the issuance of such Radial Highway Common Carrier Permit to Aplum, Inc., Radial Highway Common Carrier Permit No. 49-1232 shall be canceled and revoked.

The effective date of this order shall be twenty days after the date hereof.

Dated at Los Angeles, California, this 19th day of September, 1962.

George T. Grover
 President

D. L. Fox

Frederic B. Halblaff

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Evorett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.