

ORIGINAL

Decision No. 67556

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
ELMER T. SHELTON, an individual, of)
Los Angeles, California, for a permit)
to operate as a Household Goods)
Carrier (Appl. No. 19-57, 472-HG),)
Los Angeles and vicinity (File)
No. T-78,056).)

Application No. 46667

Elmer T. Shelton, for self, applicant.
Jackson W. Kendall, for Bekins Van Lines Co.,
protestant.
H. L. Farmer, for the Commission staff.

O P I N I O N

A Commission staff member having determined, after examination and appraisal as required in Section 5135 of the Public Utilities Code, that applicant is not qualified for a household goods carrier permit, the matter was set for hearing at Los Angeles on June 17, 1964, before Examiner Chiesa.

The evidence shows and we find that on April 16, 1964, applicant Elmer T. Shelton failed to pass the prescribed written examination; that on May 14, 1964, said applicant failed to pass a second written examination; that Elmer T. Shelton appeared at the hearing and was given an opportunity to present evidence of his qualifications for a household goods carrier permit; that he failed to present evidence qualifying him for such permit, and that applicant does not possess the required knowledge and ability to interpret and apply the minimum rates, rules and

regulations of Minimum Rate Tariff No. 4-B or the regulations, mileage tables and maps of Distance Table No. 4.

Applicant testified that he has been engaged for several months in the transportation of used household goods, without benefit of a household carrier permit because he was unaware of the necessity for such authority; that he has invested in a truck and in truck insurance and would like to continue in business if possible. His application shows he is financially responsible. Although applicant has not qualified for the household goods carrier permit as requested in his application, the evidence indicates that some transportation business is available to him as a household goods carrier of the exempt commodities and property referred to in Minimum Rate Tariff No. 4-B, Item 20, paragraph (b), subparagraphs (1) and (2).

Applicant's failure to qualify for an unrestricted household goods permit does not preclude the issue of a permit limited to the said exempt commodities and property.

Protestant does not oppose the issuance of a permit restricted to the transportation of property exempted by paragraph (b) of Item 20 of Minimum Rate Tariff No. 4-B.

We find that applicant has sufficient knowledge, ability and financial responsibility to institute and engage in business as a household goods carrier subject to the limitations and restrictions set forth in the following order.

O R D E R

IT IS ORDERED that on the effective date of this decision the Secretary of the Commission is directed to cause

Household Goods Carrier Permit No. 19-57,472 to be issued to Elmer T. Shelton, inserting therein conditions and restrictions limiting applicant's operation (a) within Los Angeles County, and (b) to the transportation of the following described property:

- (1) Property transported from, to or between the place or places of business of a dealer in or auctioneer of used household goods, viz.: household or personal effects such as furniture, furnishings, clothing, radios, musical instruments, stoves, and refrigerators; also used office and store fixtures and equipment, viz.: furniture, furnishings, and equipment such as is used in an office, store, hospital, library, museum, place of learning, or other institution.
- (2) Property, as described in paragraph (1), of the United States, State, County or Municipal governments or such property when transported under an agreement whereby the governments contracted for the carrier's services.

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

Dated at San Francisco, California, this 21st day of JULY, 1964.

Fredrick B. Halbach
President

George T. Trover
Commissioners