

ORIGINAL

Decision No. 68574

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 ROSS E. BROWN AND THEODORE R. ENDICOTT, )  
 a partnership, dba L.A. EXPRESS, for )  
 a permit to operate as a radial highway )  
 common carrier (Appl. No. 39-6309-R), )  
 and as a highway contract carrier )  
 (Appl. No. 39-6310-H), for the trans- )  
 portation of fresh meat, etc., )  
 Stockton, et al. (File No. T-79,332). )

Application No. 46950  
(Filed July 20, 1964)

Richard A. Bennett, for applicants.

H. L. Farmer, for the Commission staff.

O P I N I O N

Applicants herein request issuance of a radial highway common carrier permit and a highway contract carrier permit. Because of an employee-employer relationship between one of the applicants and the shipper Alpine Meat Packing Company, a public hearing was held on November 24, 1964, at San Francisco.

Evidence was presented by the applicants that Alpine Meat Packing Company had no interest or control in the partnership of Ross E. Brown and Theodore R. Endicott, doing business as L. A. Express, and that no monetary benefit would be realized by the shipper because of the employee relationship; however, Endicott admitted that he was a salaried employee of Alpine Meat Packing Company. The applicants stipulated that the permits if granted could be restricted to the effect that if subhaulers were used by the applicants to transport property of Alpine Meat Packing Company or its customers or suppliers said subhaulers would receive the applicable minimum rates.

Exhibit 3 shows, as of November 20, 1964, total assets of \$28,725.34 and total liabilities of \$19,356.06, for a net worth of \$9,369.28.

After consideration the Commission finds that:

1. Applicants possess the financial responsibility to perform the operations proposed.
2. Applicants' permits should be restricted as set forth in the following order.

The Commission concludes that the permits as radial highway common carrier and highway contract carrier should be issued.

O R D E R

IT IS ORDERED that:

1. A radial highway common carrier permit and a highway contract carrier permit are issued to Ross E. Brown and Theodore R. Endicott, doing business as L. A. Express, each of said permits subject to the following restriction:

"Whenever permittees engage other carriers for the transportation of property of the Alpine Meat Packing Company or its customers or suppliers, permittees shall not pay such carriers less than 100% of the applicable minimum rates and charges established by the Commission for the transportation actually performed by such other carriers."

2. The Secretary of the Commission shall cause the permits as restricted to be issued.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 9th day of February, 1965.

Frederick B. Hallock  
President

George H. Brewer

Walter B. DeWitt

Commissioners

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