

ORIGINAL

Decision No. 72799

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of WILLIAM D. DUKE, an individual doing business as DUKE PIANO MOVERS, of Santa Ana, for a permit to operate as a household goods carrier, (Appl. No. 30-4720), 50-mi radius of the City of Santa Ana, (File No. T-86,398).

Application No. 49383
(Filed March 15, 1967)

William D. Duke, in propria persona.
Walter H. Eastham, for the Commission
staff.

O P I N I O N

The Commission's staff having determined, after two examinations and appraisals as provided in Section 5135 of the Public Utilities Code, that applicant was not qualified to operate as a household goods carrier, the application was set for hearing before Examiner Rogers in Santa Ana on June 16, 1967, on which date the matter was heard and submitted.

A Commission staff representative testified that he gave the applicant's designated responsible managing employee (applicant's wife) two examinations for a household goods carrier permit as prescribed by the Commission pursuant to Section 5135 of the Public Utilities Code, and that the responsible employee failed to pass either examination. The staff representative further testified that the passing score prescribed for each examination is 80 percent.

The first examination (Exhibit 1) was taken on April 24, 1967 and the employee received a grade of 33 percent.

The second examination (Exhibit 2) was taken on May 10, 1967. On this examination the employee received a grade of 67½ percent.

The second examination consisted of five parts. Part 1 was on rules and regulations and the employee received 17½ points out of 20. The second portion was on hourly rates and transportation within 50 miles and on which the employee received 23 out of 30 points. The third portion was on distance rates and the employee received 15 out of 30 points. The fourth portion was on estimating shipments and the employee received ten out of 20 points. The fifth portion was on estimating and the employee received two out of five points.

It was the conclusion of the staff representative that the applicant is not qualified to use the distance table but is qualified for hourly and piece rates. The staff recommended that the applicant receive a permit as a household goods carrier restricted to transportation in Los Angeles and Orange Counties performed on an hourly or piece-rate basis.

The applicant stated that this is all the authority he desires.

Upon consideration of the application, Examination No. 2 and the evidence presented at the hearing, the Commission finds that applicant has a responsible employee who has sufficient knowledge and ability to enable applicant to perform service as a household goods carrier under hourly and piece rates, and that the applicant has the integrity, financial resources and responsibility to perform the services of a household goods carrier as 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 a household goods carrier permit to be issued to William D. Duke, an individual, doing business as Duke Piano Movers, inserting therein conditions and restrictions limiting applicant's operation (a) to Los Angeles and Orange Counties and (b) to service performed only on an hourly or piece-rate basis as described in Items 330 and 340 of Minimum Rate Tariff No. 4-B, as of the date of this order.

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

Dated at San Francisco, California, this 25th day of JULY, 1967.

[Signature]
President

[Signature]
[Signature]
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Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.