affirmative. The answer to your third question is in the negative.

PUBLIC SERVICE COMMISSION: Certificate of convenience and necessity, whether $25 filing fee must be paid for re-issue of certificate to show trade name of holder.

July 11, 1939.

Mr. Moie Cook, Commissioner,
Division of Public Service Commission,
State House,
Indianapolis, Indiana.

Dear Sir:

This is in answer to your request of July 7 for an opinion as to the necessity of requiring the payment of a filing fee when a petition is made for a change of the name of a certificate or permit holder. You say:

"Occasionally we receive petitions or requests to issue new certificates of public convenience and necessity to operate motor vehicles over the highways of our State. Such new certificates to be issued in the name of the same individual but showing also the trade name by which the individual's business is known. Would it be necessary under the provisions of the Motor Vehicle Act that the filing fee of $25.00 be paid in such instances or can the commission grant such requests or petitions without any filing fee being paid?" 

The provisions of the Motor Carrier Act covering amendments of certificates and permits, are as follows:

"Sec. 23. Any certificate or permit, upon application of the holder thereof, in the discretion of the commission, may be amended or revoked in whole or in part, or may, upon complaint or on the commission's own initiative, after notice and hearing, be suspended, changed or revoked in whole or in part for wilful failure to comply with any provision of this Act, or with any lawful order, rule or regulation prescribed by the commission, or with any term, condition or limitation of such certificate or permit."
“Sec. 34. (a) All applications for a common carrier certificate or a contract carrier permit to operate motor vehicles, intrastate, shall be made on forms prescribed by the commission, verified by the applicant, and accompanied by a filing fee of twenty-five dollars ($25.00).

“(b) All applications for a common carrier certificate or a contract carrier permit to operate motor vehicles, interstate, shall be made on forms prescribed by the commission, verified by the applicant, and accompanied by a filing fee of twenty-five dollars.

“(c) All applications for amendments to certificates or permits, or for sales and/or transfer of certificates shall be made on forms prescribed by the commission, verified by the applicant, and accompanied by a filing fee of twenty-five dollars ($25.00).”

The above sections are found in chapter 287, Acts of 1935, and sections 47-1233 and 47-1244 in the Supplement of Burns Indiana Statutes Annotated 1933.

I understand the following example is fairly representative of a case where a change of name is asked. John Doe has a permit in his name. His trucking business becomes known as "John Doe’s Freight Line." He applies to the commission to have added to the name “John Doe," in his permit, the words “doing business as John Doe Truck Line,” or “D. B. A. John Doe’s Freight Line.” This change in name does not involve any change of ownership of the certificate or permit. It does not involve any change in route, or in the property to be carried, or give any new or additional authority to the motor carrier operator, or lessen his authority under his permit. The change does involve the reissue of the original permit or the issue of a new one with an addition to the name.

I do not believe that the above quoted section 34, which requires the payment of a filing fee of $25.00 where an amendment of a certificate or permit is asked, was intended by the legislature to apply to a situation where simply a change in the name of the same operator is asked. Such a change does not require the commission to hold any hearing or determine any question of convenience or necessity or consider any problem of highway use, or of competitive conditions. I believe the “amendments” referred to in section 34, above set out, mean substantial amendments or alterations which bring
about a change in the authority granted to the motor carrier operator.

I am of the opinion, therefore, that such a change of name as your letter refers to, is an amendment of a certificate or permit that the commission may authorize without the requirement of a $25.00 filing fee with the application for a change.


July 12, 1939.

Mr. John P. Ellerbush, Secretary,
State Board for Depositories,
238 State House,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of recent date as follows:

"The Department of Utilities of the City of Indianapolis is now depositing its funds in those banks and trust companies in the City of Indianapolis which have been designated by the Board of Finance as public depositories. In these same banks and trust companies there is also deposited the monies which come into the possession of other departments of the city. Because of the inadequacy of the present method of determination of the amount being deposited by the various departments and for other reasons not here necessary to denominate, the Department of Utilities of the City of Indianapolis is fearful lest it overdeposit and therefore asks whether its monies may be considered as a separate fund and whether it may be permitted to deposit its funds in a separate account in the ratio apportionment agreed upon for the city's funds pursuant to the terms of section 14, chapter 3, Acts of 1937.

"Kindly let me have your opinion on this matter at an early date."

Section 14, chapter 3, Acts 1937, provides for the inviting of proposals from the banks and trust companies which wish