

Decision No. 37744

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment of)
maximum or minimum, or maximum and)
minimum rates, rules and regulations)
of all common carriers as defined in)
the Public Utilities Act of the State)
of California, as amended, and all)
highway carriers as defined in Chapter)
223, Statutes of 1935, as amended, for)
the transportation, for compensation)
or hire, of any and all commodities.)

ORIGINAL

Case No. 4246

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

E. W. Schuette, Frances Fultz and Ken H. Channell, doing business as Everts Delivery Service, Hazelwood Transfer and Channel City Delivery, respectively, hold radial highway common carrier permits under which they provide parcel delivery service from Santa Barbara to residential areas in the vicinity of that city. They also hold city carrier permits under which they provide like service within the city. The packages handled generally do not weigh more than 25 pounds. In their intracity operations, for which minimum rates have not been prescribed, applicants charge 30 cents per package. For their operations to points outside the city, they seek authority to use the same rate in lieu of the minimum charge of 42 cents per shipment established by Decision No. 31606(41 C.R.C. 671), as amended, in this proceeding.

In their verified statements petitioners show that the parcels involved are shipped by retail, department and drug stores to customers residing at points within an 8-mile radius of Santa Barbara; that these destination points are in territory which, although outside the corporate limits, is nevertheless considered a part of that

community; that, on the trips making such deliveries, the carriers' equipment is also used to make deliveries within the city limits; that the character of the service is such that uniform rates for deliveries throughout the community are necessary; and that on an over-all basis the proposed rate would be compensatory.

It appears that petitioners' operations are substantially different from those for which the established minimum rates were primarily designed and that they are surrounded by conditions similar to those prevailing elsewhere in connection with parcel delivery service. Other carriers providing this specialized service have been granted exemption from the prescribed minimum rates. Like action here¹ is justified. A public hearing is not necessary.

The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company seek authority to enlarge their pickup and delivery zones at Lindsay and to apply the Lindsay basis of rates to the additional territory. Their verified petition shows that shippers whose plants are situated within territory embraced by the proposed extension have requested pickup and delivery service and that the granting of the sought authority would enable petitioners to accord all industries and persons within the enlarged area an equality of rates and service. It also shows that the area in question is contiguous to and considered as an integral part of the city. Competing common carriers have been notified and have not objected to the adoption of these proposals. It appears that a hearing is not necessary and that under the circumstances the granting of the sought authority is justified. This action is not to be construed as a determination.

¹ This matter was brought to the Commission's attention by the filing of Applications Nos. 26574, 26575 and 26576 in which authority to deviate from the prescribed minimum rates was sought. In view of the conclusions reached herein, these applications are being dismissed by an order issued today.

of the nature and extent of petitioners' operating authority. Operating rights are not here in issue.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Decision No. 31606, as amended, in this proceeding, be and it is hereby further amended by adding E.W. Schuette doing business as Everts Delivery Service, Frances Fultz doing business as Hazelwood Transfer, and Ken H. Channoll doing business as Everts Delivery Service, to the list of carriers contained in paragraph (a) of Finding No. 14 thereof, in so far as the transportation of shipments weighing 25 pounds or less is concerned.

IT IS HEREBY FURTHER ORDERED that the petition of The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company seeking authority to extend their pickup and delivery limits at Lindsay, be and it is hereby granted; ~~that the aforesaid carriers be and they are hereby granted;~~ that the aforesaid carriers be and they are hereby authorized to establish for the transportation involved, rates less than the minimum rates prescribed by Decision No. 31606, as amended, in this proceeding, but not less than those prescribed for like transportation from and to Lindsay.

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This order shall become effective twenty (20) days from the date hereof.

Dated at San Francisco, California, this 20th day of March, 1945.

Howard Rudman
Richard L. Lachar
Frances G. Levy
James H. Russell
Commissioners