

Decision No. 38479

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 compensa-
 tion or hire, of any and all commo-
 dities.

ORIGINAL

Case No. 4246

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

C. R. Becker, an individual doing business as Delivery Service Company, holds a highway contract carrier permit under which he provides parcel delivery service for photographic film and prints within and between Alameda and Contra Costa Counties. In this operation, transportation is provided from and to retail stores using the facilities of a photo service company for the development of film left with the store for that purpose. Becker points out that when shipments of developed film and finished prints are being delivered in this operation shipments of undeveloped film are also received, and that the minimum charge of 42 cents per shipment, established by Decision No. 31606 (41 C.R.C. 671), as amended, in this proceeding provides an overall minimum charge of 84 cents per transaction. He alleges that

the weight of the individual shipments seldom exceeds five pounds; that the circumstance that shipments are regularly received at the same time others are being delivered results in operating economies which are not possible in ordinary highway carrier service; and that the present minimum charge exceeds the value of the service to the shipper. He proposes to provide transportation between the interested photo company's place of business and its retail store patrons for 45 cents per round trip and seeks the authority to deviate from outstanding rate orders to the extent necessary to permit him to do so.

It appears that the transportation operations involved are substantially different from those for which the minimum rates were primarily designed, and that the parcel service here in issue is surrounded by conditions comparable to those generally prevailing in connection with parcel delivery operations. Numerous other carriers providing similar service for shipments weighing 25 pounds and less have been exempted from the prescribed minimum rates. Like action should be taken here.¹ A public hearing is not necessary.

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 C. R. Becker, doing business as Delivery Service Company, to the

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This matter was brought to the Commission's attention by the filing of Application No. 27115 in which authority to charge less than the prescribed minimum rates was sought. In view of the conclusions reached herein, the application proceeding will be dismissed.

list of carriers contained in paragraph (a) of Finding No. 14 thereof, in so far as the transportation of shipments of photographic films and prints weighing 25 pounds or less within and between Alameda and Contra Costa Counties is concerned.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 10th day of December, 1945.

Harold Rudman

Francis Carey

James D. Hodge

Harriet Kula

Commissioners