

Decision No. 40915

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)	
into the rates, rules, regulations,)	
charges, allowances and practices)	Case No. 4808
of all common carriers, highway)	
carriers and city carriers relating)	
to the transportation of property.)	

SUPPLEMENTAL OPINION AND ORDER

Yosemite Park and Curry Co., a corporation, is a highway common carrier operating between Merced and Yosemite Valley and intermediate points. Allwin Heib, an individual doing business as Vallejo Parcel Delivery, and Floyd B. Wagner and N. E. Sandusky, copartners doing business as S&W Delivery Service, propose to provide retail parcel delivery service within Vallejo and between that city and adjacent territory. They seek authority to maintain rates and charges lower than the prescribed minimum rates and charges.

Under the minimum rate structure, rates vary according to the classification of the commodity, the weight of the consignment and the distance it is transported. For the distances involved here, the minimum charges depend upon the weight of the shipment and range from 47 cents for quantities of 25 pounds or less to 89 cents for more than 100 pounds.

Yosemite Park and Curry Co. was authorized to deviate from these bases when it commenced operations upon the abandonment of the Yosemite Valley Railroad. It was permitted, by Decision No. 38137 of August 14, 1945, to establish "all-commodity" rates applicable to shipments regardless of their size, to use point-to-point instead of distance rates, and to publish minimum charges on

the basis of 100 pounds at the applicable rate. Decision No. 40025 of March 4, 1947, authorized the company to reduce its minimum charges for shipments weighing less than 25 pounds.

Yosemite Park and Curry Co. contends that, by virtue of the above described authorizations, it is not required to establish the increased minimum rates prescribed by Decision No. 40557 of July 22, 1947, in this proceeding, and accordingly has not made any adjustments in its rates pursuant to that decision.¹ However, it requests any such further authorization as may be considered necessary to permit it to maintain its present rates.

Petitioner alleges that its operations are not competitive with other carriers, that it serves a sparsely settled area, that the volume of traffic it transports is small, that the shipments handled are of relatively low value, that its common carrier service is incidental to its proprietary operations, and that these are the same conditions as those which prevailed at the time it was permitted to deviate from prior minimum rate orders.

Petitioner's contention that it is exempted from the requirements of Decision No. 40557, supra, on the strength of its prior authorizations, is not supported by the nature and scope of these permissions. They merely authorized deviations from the minimum rates and charges then in effect. However, other carriers under substantially similar circumstances have applied for and obtained exemption from orders requiring the establishing and observing of rates and minimum charges on the minimum rate levels.

¹ Decision No. 40557 increased class rates by 7 per cent plus amounts in cents per 100 pounds ranging from 4 cents in the any-quantity to $\frac{1}{2}$ cent in the truckload weight brackets. It increased commodity rates by 10 per cent. It did not change the minimum charges.

Petitioner has justified a similar exemption. It will be granted.

We turn now to the petitions of the Vallejo parcel carriers. Petitioners propose to limit their operations to a maximum distance of 5 miles and to the handling of shipments weighing not more than 100 pounds. The territory involved, they allege, is all a part of a single purchasing area. They seek authority to apply, for deliveries at points outside the city limits, rates ranging from 25 cents for shipments weighing 25 pounds or less to 55 cents for shipments weighing over 75 to 100 pounds. These are the rates which petitioners intend to apply to Vallejo intracity hauling, for which minimum rates have not been prescribed. They allege that uniform intracity and intercity rates are necessary in a parcel delivery service such as theirs and that, because of the character of the freight involved and the value of the service to the shippers, higher rates cannot be maintained.

It appears that the service in question differs from that rendered by carriers engaged in the general transportation business and is similar to the service of other parcel carriers heretofore exempted from minimum rates with respect to shipments weighing 100 pounds or less. The petitions are justified and will be granted.

Public hearings are not necessary.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Decision No. 31606, as amended, in Case No. 4246, be and it is hereby further amended by adding Yosemite Park and Curry Co. to the list of carriers in Paragraph (a) of Finding 14 thereof, and Allwin Heib, and Floyd B. Wagner and N. E. Sandusky, to the list of carriers in Paragraph (c) of said Finding 14.

IT IS HEREBY FURTHER ORDERED that Decision No. 33977, as amended, in Case No. 4293, be and it is hereby further amended by adding Yosemite Park and Curry Co. to the list of carriers in Paragraph (a) of Finding 12 thereof, and Allwin Heib, and Floyd B. Wagner and N. E. Sandusky, to the list of carriers in Paragraph (c) of said Finding 12.

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

Dated at San Francisco, California, this 12th day of November, 1947.

Harold P. Kule

Justus J. Green

Paul H. Powell

R. E. Sandusky

Commissioners