

ORIGINAL

Decision No. 47005

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 )  
of all common carriers, highway )  
carriers and city carriers relating )  
to the transportation of property. )

Case No. 4808

SUPPLEMENTAL OPINION AND ORDER

Morris Donin, doing business as Donin Messenger Service, holds a highway contract carrier permit. By petition filed April 3, 1952, he seeks exemption from the established minimum rates set forth in Highway Carriers' Tariff No. 2 for the transportation of shipments weighing 25 pounds or less between points in Los Angeles and Orange Counties. The petition is limited to operations for distances not exceeding 50 miles.

It is alleged that two-thirds of petitioner's revenues are derived from deliveries from and returns to retail stores, transportation which is exempt from minimum rates; that the balance of his revenues are derived from wholesale operations involving the transportation of small shipments of low value; that although these shipments could be sent through the mail for from three to six cents postage, petitioner's service is preferred because it is faster than mail; that the majority of petitioner's customers have informed him that they will discontinue patronizing his services if he must continue to collect the minimum charge of 64 cents applicable to such transportation; and that petitioner believes that the balance of his customers would likewise refuse to continue at the 64-cent charge.

Other carriers performing similar service within the area involved have been informed of the filing of the petition. No objections have been offered to its being granted.

It appears that petitioner's 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 in connection with other parcel delivery service under exemptions from the prescribed minimum rates (Finding 14(c) of Decision No. 31606, 41 C.R.C. 671 (1938), as amended). A similar exemption appears justified here. A public hearing is not necessary.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Decision No. 31606, in Case No. 4246, as amended, be and it is hereby further amended by adding Morris Donin, doing business as Donin Messenger Service, to the list of carriers contained in paragraph (c) of Finding No. 14 thereof, but restricted to the transportation of shipments, each weighing 25 pounds or less, for distances not exceeding 50 miles between points located in Los Angeles and Orange Counties.

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

Dated at San Francisco, California, this 14<sup>th</sup> day of April, 1952.

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President  
*James J. Calver*  
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*Harold P. Kula*  
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*Annette Patten*  
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*Edgar L. Pittell*  
Commissioners