

ORIGINALDecision No. 52820

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 general commodities (commodities for which rates are provided in Minimum Rate Tariff No. 2).

Case No. 5432
Petition for
Modification
No. 73.

OPINION AND ORDER

James L. Block, an individual doing business as Tri-City Parcel Delivery, performs a parcel delivery service under a highway contract carrier permit. By this petition, as amended, he seeks to be exempted from the established minimum rates set forth in Minimum Rate Tariff No. 2 for the transportation of drug supplies, auto parts, photographic film and prints, and radio and electronic parts and equipment in shipments of 100 pounds or less between points on the San Francisco peninsula from South San Francisco on the north to Palo Alto on the south, both inclusive.

Petitioner states that he is primarily engaged in the transportation of small shipments from wholesalers to retail stores. He alleges that the established minimum charges are too high for his operation and that unless the exemption sought herein is granted it will be impossible for him to operate. He asserts that similar exemptions have been granted to other carriers engaged in the same type of operations.

Interested parties have been notified of the filing of the amended petition. The Draymen's Association of San Francisco, Inc., is the only party that has objected to the granting of the authority sought. It has informed the Commission that it would not present

evidence at a public hearing. It asserts that the exemption should not be granted because the articles named by the petitioner move in large quantities as well as in small shipments and that common carrier members of the association operating between the points here involved may be seriously affected by undue competition from the petitioner if the exemption is 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 carriers which operate under exemption similar to that proposed here.

The contentions of the Draymen's Association of San Francisco have been carefully considered. We are of the opinion that such contentions are not material to a determination of the issue involved herein. In the establishment of the minimum rates prescribed in Minimum Rate Tariff No. 2 the Commission found that the minimum rates so established should not apply to certain express and parcel delivery carriers offering highly specialized services. From time to time the Commission has exempted carriers from the minimum rates upon a showing of operations similar to or the same as the petitioner's. The exemption sought herein appears to be justified. The basis of the opposition of the Draymen's Association of San Francisco, Inc., having been fully considered, a public hearing is not necessary.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Decision No. 52199, in Case No. 5432, as amended, be and it is hereby further amended by adding to the list of carriers in Appendix B thereof, James L. Block, doing business as Tri-City Parcel Delivery for the transportation of drug supplies, auto parts, photographic film and prints and radio and electronic parts and equipment in shipments of 100 pounds or less

between points within the area bounded on the north by the northerly limits of the City of South San Francisco, on the south by the southerly limits of the City of Palo Alto, on the east by the shoreline of San Francisco Bay, and on the west by a line approximating State Highway No. 5.

The effective date of this order shall be March 31, 1956.

Dated at San Francisco, California, this 27th day of March, 1956.

John E. Mitchell
President

Justus D. Casene

Charles L. ...

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Commissioners