

Decision No. 56448

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 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. 93

Earnest E. Delaplane, petitioner.
J. C. Kaspar, A. D. Poe and J. X. Quintrall,
 for California Trucking Associations, Inc.,
 protestant.
Roger L. Ramsey, for United Parcel Service,
 and Philip A. Winter, for Delivery Service
 Co., interested parties.

O P I N I O N

Earnest E. Delaplane, an individual doing business as Peninsula Delivery & Transport Co., holds permits as a radial highway common carrier and as a city carrier. The permits are limited to an area within a 30-mile radius of San Mateo. By this petition, filed September 7, 1957, and amended January 16, 1958, Delaplane seeks to be exempted from the established minimum rates set forth in Minimum Rate Tariff No. 2 for the transportation of shipments weighing 100 pounds or less of drug supplies, auto parts, bakery supplies, photographic films and prints and radio and electronic parts and equipment within a 30-mile radius of the City of San Mateo.

Public hearing was held before Examiner William E. Turpen at San Francisco on January 24, 1958.

Petitioner stated that he started operations in July of 1957 and at first handled only parcel deliveries from retail establishments.¹ He then secured a few accounts for deliveries from wholesale houses, but upon being informed that he would have to charge the minimum rates he lost most of these accounts. At that time, according to petitioner, approximately ten percent of his shipments were subject to the minimum rates, and the remainder were either retail deliveries or wholesale deliveries within the city limits. He further stated that if the exemption is granted he will charge the same rates as other parcel carriers operating in the area.

United Parcel Service and the California Trucking Associations, Inc., opposed the granting of the petition. They felt that petitioner should seek authority under Section 3666 of the Public Utilities Code to assess specific rates less than the minimum rates instead of seeking an exemption. The protestants also stated that no need for the service has been shown.

It appears that petitioner's operations are those of a parcel carrier and are substantially different from those for which the established minimum rates were primarily designed. From time to time the Commission has exempted carriers from the

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Shipments of 100 pounds and under from retail establishments are exempt from the rates in Minimum Rate Tariff No. 2 when transported 35 miles or less.

minimum rates upon a showing of operations similar to petitioner's. It appears, and the Commission finds, that the exemption sought herein is justified.

O R D E R

Based upon the evidence of record and upon the findings and conclusions set forth in the preceding opinion,

IT IS 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, Earnest E. Delaplane, doing business as Peninsula Delivery & Transport Co., for the transportation of drug supplies, auto parts, bakery supplies, photographic films and prints, and radio and electronic parts and equipment in shipments of 100 pounds or less between points within a 30-mile radius of the City of San Mateo.

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

Dated at San Francisco, California, this 15th day of APRIL, 1958.

[Signature]
President
[Signature]
[Signature]
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Commissioners