

ORIGINAL

Decision No. 55941

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
RAILWAY EXPRESS AGENCY, INCORPORATED,
a corporation, to increase intrastate
rates and charges for air express
service within the State of California.

Application No. 38950

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 55941, dated December 10, 1957, in this application Railway Express Agency, Incorporated, was authorized to increase its California intrastate air express rates. Included in the application was a request to modify a rule in applicant's tariff relating to so-called light and bulky commodities. The rule now provides that on shipments exceeding 300 cubic inches per pound charges will be assessed on the basis of one pound for each 300 cubic inches. Applicant proposes to change the 300 cubic inch limit to 250 cubic inches.

Action, in Decision No. 55941, on the "light and bulky" rule proposal was withheld pending the outcome of Case No. 5840. That proceeding was an investigation on the Commission's own motion into the question of the propriety of the rules of various classes of common carriers which provide for the assessment of transportation charges on the basis of volume (cubic measurement rules). By its terms Case No. 5840 embraced the rule here in issue.

By Decision No. 56266,^{1/} dated February 18, 1958, in Case No. 5840, the Commission found that the existing "light and bulky" rules

^{1/} Rehearing denied by Decision No. 56680, dated May 13, 1958.

of all carriers embraced by the investigation, with certain exceptions, were unjust, unreasonable, discriminatory, unduly preferential, and ambiguous, in violation of the Public Utilities Code, and ordered that said rules be canceled. Among the rules excluded from this finding was that here in issue. The Commission stated, in the decision in question, that the record (in Case No. 5840) did not establish that the "light and bulky" rule of Railway Express Agency - Air Express Division was unreasonable or discriminatory.

According to the record in the instant proceeding, the 250 cubic inch limit herein sought applies generally on air freight, and the maintenance of a more liberal limit in connection with high priority air express is inconsistent.

Upon consideration of all of the facts and circumstances of record, the Commission is of the opinion and hereby finds that the proposed modification in applicant's "light and bulky" rule for the assessment of charges on air express shipments is justified. The sought authority will be granted.

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:

(1) That Railway Express Agency, Incorporated, be and it is hereby authorized to establish, on not less than thirty days' notice to the Commission and to the public, Rule 9 (replacing Rule 14), as proposed in the application filed in this proceeding.

(2) That the authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 17th day of June, 1958.

[Signature]
President
[Signature]
[Signature]
[Signature]
Theodore J. [Signature]
Commissioners