

**ORIGINAL**Decision No. 56891

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. 102

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 in Los Angeles and Orange )  
 Counties (transportation for which rates )  
 are provided in Minimum Rate Tariff )  
 No. 5).

Case No. 5435  
 Petition for Modification  
 No. 14

Donald Murchison for Olympic Delivery Service, Inc.,  
 et al., petitioners.  
W. J. Knoell for Western Motor Tariff Bureau, Inc.,  
Arlo D. Poe, J. C. Kaspar and James Quintrall for  
 California Trucking Associations, Inc., and  
Roger Ramsey for United Parcel Service, interested  
 parties.  
Ralph J. Staunton for the Commission's staff.

O P I N I O N

By these petitions a group of highway carriers and city carriers engaged in a special messenger service type of transportation in Los Angeles and vicinity seek the exemption of that type of service from the rates, rules and regulations named in Minimum Rate Tariff No. 2 (general commodities) and in Minimum Rate Tariff No. 5 (Los Angeles drayage area).<sup>1</sup>

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Petitioners are Olympic Delivery Service, Inc., doing business as Rocket Messenger Service; Pacific Messenger Service, Inc.; Crest Messenger & Delivery Service, Inc.; and Pronto Messenger Service, Inc.

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Public hearing was held before Examiner William E. Turpen at Los Angeles on March 4, 1958. The matter was submitted March 6, 1958, upon receipt of a late-filed exhibit.

The president of one of petitioners testified that his company receives from 6,000 to 7,000 calls per week for delivery service and that over 99 percent of the shipments are delivered by the same employee who picks up the shipment without the shipment passing through his company's office. He also stated that approximately 39 percent of the packages handled by his company weigh less than 5 pounds. The testimony of the witness shows that the service performed by his company is an expedited special messenger service where envelopes, documents or lightweight parcels are picked up from the consignor and transported directly to the consignee. According to the witness the contents of a large portion of the shipments are not known. The transportation is performed in passenger-type cars, station wagons, and a few light pickup trucks.

Officials of the three other petitioners testified that their operations are conducted in the same manner. Also, an official of another carrier<sup>2</sup> supported the petition and stated that his operations are substantially the same as those of the petitioners. A tariff publishing agent also testified on behalf of petitioners. He said that the method of operations and rate structure used by petitioners bear no relationship to the minimum rates.

Petitioners proposed that the exemption in Minimum Rate Tariff No. 2 be limited to the Los Angeles Basin Territory as defined in that tariff. They proposed the following language for the exemption:

"Property by carriers engaged exclusively in an expedited special messenger service by use of passenger type automobiles, station wagons, or commercial vehicles, not exceeding a licensed weight of 4,000 pounds."

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<sup>2</sup>  
The One-Two-Three Messenger Service.

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Counsel for the California Trucking Associations, Inc., and counsel for United Parcel Service assisted in developing the record. They recognize the problems incurred by petitioners, but were fearful that any relief granted could be used by other carriers not solely engaged in this particular type of service.

The record clearly shows that the transportation services performed by petitioners are a highly specialized type of operation and conducted in a manner entirely different from general freight operations for which the minimum rates are designed. It appears, and the Commission so finds, that the transportation herein involved is a type of transportation for which the minimum rates, rules and regulations are not suitable. Accordingly, such transportation should be exempted from the rates, rules and regulations named in Minimum Rate Tariffs Nos. 2 and 5, insofar as such transportation is performed within the Los Angeles Basin Territory. However, "expedited special messenger service" is a service not readily susceptible of clear definition, nor was any definition thereof suggested by petitioners. The desired relief may be accomplished by exempting shipments weighing 10 pounds or less when transported by carriers which operate no vehicles exceeding a licensed weight of 4,000 pounds. The tariffs will be amended accordingly. Minimum Rate Tariff No. 2 will be amended by a separate order to avoid duplication of tariff distribution.

#### 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 Minimum Rate Tariff No. 5 (Appendix "A" of Decision No. 32504 as amended) be and it is hereby further

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amended by incorporating therein, to become effective August 1, 1958, Nineteenth Revised Page 13, which page is attached hereto and by this reference made a part hereof.

In all other respects the aforesaid Decision No. 32504, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 24<sup>th</sup> day of June 1958.

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

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p style="text-align: center;">APPLICATION OF TARIFF-COMMODITIES</p> <p>Rates in this tariff apply for the transportation of all commodities except the following:</p> <p>Accessories and Supplies, motion picture, Automobiles, Automobile parts, accessories, and related articles in secondary movement by truckaway service when subject to the rates, rules and regulations set forth in Minimum Rate Tariff No. 12, Baggage, viz.: personal baggage and baggage containing sample merchandise, transported from or to a depot, dock or other point where passengers are discharged or received by common carriers, Buttermilk, in milk shipping cans or in bottles in cases or crates, Carriers (used packages), empty, returning from an outbound paying load, or being forwarded for a return paying load of traffic for which rates are not provided in this tariff (Subject to Rule No. 180 of the Exception Sheet), Cement, hydraulic, masonry, natural or Portland—also lime, common (including magnesium lime, hydrated or hydraulic lime, quick or slaked), cement flue dust, and/or limestone, powdered, shipped in mixed shipments with cement—when transported in shipments of 40,000 pounds or more, or when transported in shipments of lesser weights subject to the rates, rules and regulations, including the minimum charge computed on a minimum weight of 40,000 pounds, which are set forth in Minimum Rate Tariff No. 10, Cement, Portland (building), when transported in bulk, Commodities weighing 100 pounds or less per package or per piece, delivered from retail stores, Commodities transported in bulk in tank trucks, tank trailers, tank semi-trailers, or a combination of such highway vehicles, Commodities picked up or delivered for common carriers as defined in the Public Utilities Act, or for radial highway common or highway contract carriers as defined in the Highway Carriers' Act, when the property is in the custody of such carriers for transportation from or to points not included in the zones described in Items Nos. 30, 31, 32 and 33, under rates which include pickup or delivery at points within the said zones, Commodities when transported in dump trucks, for which rates are provided in Minimum Rate Tariff No. 7, Commodities which consist of or contain materials essential to National Defense and which have been donated to and are transported for the United States Government, governmental agencies, or nonprofit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported, Concrete transported in motor vehicles equipped for mechanical mixing in transit, Cream, in milk shipping cans or in bottles in cases or crates, Directories; telephone, Fertilizers, as described in Items Nos. 535, 540 and 550 of the Exception Sheet, Film, motion picture, Fruit, fresh or green (not cold pack nor frozen), Furniture, household appliances and other home furnishings, transported from retail stores where they have been sold at retail by a retail merchant, or transported from retail customers to retail stores,</p>

\*40-R  
Cancels  
40-Q

Jewelry transported from or to wholesale houses in packages weighing 10 pounds or less,

Livestock,

Milk, in milk shipping cans or in bottles in cases or crates,

Motor vehicles when towed by a tow car,

Newspapers; newspaper supplements, sections or inserts; (not scrap or waste),

Optical goods transported from or to wholesale houses in packages weighing 10 pounds or less,

Property transported for the United States Government,

Property transported to a United States Post Office for mailing and United States mail transported from a post office to the addressee thereof,

Property shipped to or from producers of motion pictures or television shows when transported subject to the rates, rules and regulations provided by Decision No. 33226, in Cases Nos. 4246 and 4434, as amended,

#Shipments weighing 10 pounds or less when transported by carriers which operate no vehicles exceeding a licensed weight of 4,000 pounds.

Used Property, viz.: household goods, office and store fixtures and equipment, as described in and for which rates are provided in Minimum Rate Tariff No. 4-A, and used property as described therein transported for the United States, state, county or municipal governments,

Vegetables, fresh or green (not cold pack nor frozen),

Voting Booths, ballot boxes, election tents and election supplies when transported from or to polling places.

\* Change        )  
# Addition     ) Decision No.        56891

EFFECTIVE AUGUST 1, 1958

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 244