

**ORIGINAL**

Decision No. 57063

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. 107

Kenneth A. Johnson, for Howard Wilson, dba Ace Delivery, petitioner.  
J. C. Kaspar, A. D. Poe and J. X. Quintrall, for California Trucking Associations, Inc., protestant.

O P I N I O N

Howard Wilson, doing business as Ace Delivery, operates a package delivery service in the area between South San Francisco and San Jose and Skyline Boulevard to San Francisco Bay. By this petition, filed April 3, 1958, Wilson 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 wholesale drugs, wholesale electronics, electrical supplies, equipment and parcels within the area described above.

Public hearing was held before Examiner William E. Turpen at San Francisco on June 9, 1958.

Petitioner testified that 80 percent of his shipments consist of small parcels, mostly drug items, and that he does not engage in general freight hauling. He stated that he has lost

business to other parcel carriers operating in the area who have been granted exemption from the minimum rates.

The director of research of the California Trucking Associations, Inc., opposed the granting of the petition. He contended that the Commission should establish minimum rates applicable to the transportation of parcels instead of exempting carriers individually by name as request is made.

In the present circumstances, without minimum rates having been established for the type of operation that petitioner conducts, and in view of his competitors having been previously granted similar exemptions, it appears, and the Commission finds, that the exemption sought herein, with a slight modification, is justified. The term "parcels" as included in petitioner's request is too general in nature and will not be included in the authorization.

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, Howard Wilson, doing business as Ace Delivery, for the transportation of wholesale drugs, wholesale electronics, and electrical supplies and equipment in

shipments of 100 pounds or less between points within the area between South San Francisco and San Jose and the Skyline Boulevard (State Route 5) and San Francisco Bay.

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

Dated at San Francisco, California, this 29th day of July, 1958.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
Commissioners

Commissioner Matthew J. Dooley, being necessarily absent, did not participate in the disposition of this proceeding.